



**ROCHDALE**  
BOROUGH COUNCIL

## **RECRUITMENT AND SELECTION POLICY CODE OF PRACTICE**

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## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

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## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

This policy was consulted and agreed via Service Consultative Group (SCG) and Teacher Association representatives on 10<sup>th</sup> December 2012 (SCG) and 12<sup>th</sup> December 2012 (Teacher Association). Subsequent amendment to this Policy (2013) has been agreed formally at Formal Teacher Association and the Service Consultative Group (Support Staff).

**Amended in 2015 addition: Childcare (Disqualification) Regulations 2009 amended November 2014 (Keeping Children Safe in Education).**

Governing Bodies of community and voluntary controlled schools with delegated powers are required to adopt this procedure. Governing Bodies of voluntary aided and Foundation schools are required to adopt either an appropriate diocesan procedure, this procedure or draw up their own for formal consultation with the recognised Trade Union representatives.

### **SECTION 1: INTRODUCTION**

This Code of Practice provides practical guidance on the processes involved in the recruitment and selection of school based staff. Within schools there are many occupational groups operating at varying levels and it is important that we conduct recruitment and selection practices fairly, consistently and equitably.

This guidance outlines what should happen at each stage of the process and outlines schools responsibilities in order to comply with both the legislative requirements and the need for good practice.

We recognise the important role that Governors play in recruitment in schools and this guidance is offered also to support this role.

#### **1.1 EQUALITY**

The Schools HR & Governor Support Service aims to regularly review all the policies and procedures we operate to ensure there are no negative equality impacts on staff based on their age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation as outlined in the Equality Act 2010. Consultation with our customers is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the following officers:-

Margaret Moore  
School Improvement Manager

Telephone number (01706) 925032  
E-mail – [margaret.moore@rochdale.gov.uk](mailto:margaret.moore@rochdale.gov.uk)

#### **1.2 AIMS OF THE CODE OF PRACTICE**

The guide aims to:-

- Promote a planned objective approach to the recruitment of staff;
- Enable Headteachers or Nominated Person to think more clearly about the knowledge and skills required by candidates to do a job;
- Help Headteachers or Nominated Person assess objectively whether or not a candidate can meet the requirements of the job;

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- Provide a statement regarding safeguarding

Rochdale Council strives to be an equality of opportunity service provider and employer. Any person applying for a post has a statutory right to take up a case of discrimination against a school if they believe this to be the case and Headteachers may be asked to justify and explain their actions/decision at an Employment Tribunal. Existing employees who apply for jobs also have access to the school's grievance procedure.

Whilst its basic principles still apply, this guidance does not cover specifically the appointment to Headteacher posts.

The advice and guidance has been written as an aid to good practice across all schools and provides specific reference where required with particular regard to adherence to legislation.

The forms and letters included in the appendices of this document will be updated from time to time. The most up to date versions will be on the School Service intranet or be available from Schools HR Service.

### 1.3 EQUALITY ACT 2010 DIMENSIONS OF RECRUITMENT AND SELECTION

It is very easy to fall into the trap of allowing subjective thinking to influence a recruitment and selection decision, thereby almost certainly infringing the Equality Act 2010. Guidance has previously been provided in respect of the Equality Act 2010 and this is available on the Schools Intranet. The single most important principle to apply in such a decision is to search for and recruit the best candidate. This means ignoring a candidate's age, disability, gender, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation and concentrating on:

- the key elements of the job.
- the competencies and qualities the successful candidate will need to have to do it.
- an objective assessment of each candidate, through appropriate selection methods, against these competencies and qualities.

It may be lawful for you as an employer to treat people differently when recruiting. In very limited circumstances, if you can show that someone with a particular protected characteristic (as defined by the Equality Act 2010) is central to a particular job, then you can insist that only someone who has that particular protected characteristic is suitable for the job. This would be a genuine 'occupational requirement' (GOR).

Such an approach requires a degree of formality in the whole recruitment process from the time the job becomes vacant, through the placing of the advertisement and to the stage when the job is filled. Without a proper structure in place, there is a far greater risk of a suspect decision being taken. By implication, the school becomes far more vulnerable if it is legally challenged on a judgement made during the process.

### 1.4 LEGAL FRAMEWORK

#### Rehabilitation of Offenders Act 1974

All school appointments are exempt from this Act and are subject to Enhanced Disclosure and Barring Service (DBS) Disclosure.

The main aim of this Act is to recognise that a person convicted of a criminal offence, after a period where actions are not repeated, can be considered reformed. The Act identifies specific periods after which convictions can be considered spent and disregarded.

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Certain other appointments are also exempt from the provisions of the Act, in that convictions are never considered spent and all convictions, cautions etc must be disclosed. This does not necessarily mean however, that these offences will bar a person from employment.

### **Education (Health Standards) (England) Regulations 2003**

Governing bodies should consider whether the candidate has the necessary health & mental fitness to teach, including whether and reasonable adjustments are required to enable an individual to provide effective and efficient teaching

### **Asylum and Immigration Act 1996**

#### **Nationality, Immigration and Asylum Act 2002**

It is a criminal offence to employ someone who does not have permission to reside or live in the UK.

Refugees have full citizen rights under UK law, including the right to paid employment. Economic Migrants have the right to work in the UK for the duration of their legal work permit. However, Asylum Seekers who are awaiting a decision on their application to become a refugee, have no legal right to paid employment in the UK, but they do have rights to work voluntarily whilst their application is being considered. Therefore, when considering recruitment and selection in relation to refugees and economic migrants the Council is bound by the duties under the Race Relations Acts not to discriminate.

**See Section 9 for more practical details regarding the prevention of illegal working and the onus on school staff in relation to this.**

### **Human Rights Act 1998**

The Human Rights Act gives rights in the UK Courts and Employment Tribunals which people have never had before.

The Act incorporates domestic law, most of the rights are protected by the European Convention. This means in Recruitment and Selection we need to take account of individual circumstances under:

Article 8: Right to respect for private and family life

Article 9: Freedom of thought, conscience and religion

We need to respect the specific circumstances people have in respect of these two articles.

### **Data Protection Act 1998**

The purpose of the Act is to protect people's personal information from abuses by applying strict rules to the way their personal data is treated. In terms of Recruitment and Selection, applicant's personal details submitted with their application form should only be used in accordance with the Act i.e. for selection and interview purposes, and for employment records, if the application is successful.

### **Working Time Regulations 1998**

The Working Time Regulations incorporate requirements involving working arrangements/time which as an employer we are required to comply with.

### **School Staffing (England) Regulations 2009**

The School Staffing (England) Regulations 2009 came in to force on 2<sup>nd</sup> November 2011. The Act covers the staffing of maintained schools. One of the changes to the 2009 Regulations, from the 2003 Regulations, relates to safer recruitment training. With effect from 1st January 2010, the governing body must ensure that—

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- (a) any person who interviews an applicant for any post under these Regulations has completed the safer recruitment training; or
- (b) in the case where—
  - (i) a selection panel is appointed for that purpose or
  - (ii) the governing body delegates the appointment of a member of staff to two or more governors or one or more governors and the head teacher under regulation 4(1), at least one member of that panel or group has completed the safer recruitment training. The School Staffing (England) Regulations 2003 replace schedules 16 and 17 of the Schools Standards and Framework Act 1998 and came into effect on 01 September 2003.

The School Staffing (England) (Amendment) Regulations 2012 states that schools should ask a 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);

### **Employment and Training (Religion and Belief) Regulations 2003** **Employment and Training (Sexual Orientation) Regulations 2003**

On 1<sup>st</sup> and 2<sup>nd</sup> December 2003 respectively, these Regulations came into force making it unlawful to discriminate on the grounds of religion and belief or sexual orientation either directly or indirectly.

Drawing particular reference to faith schools however, exceptions can be made where there is a genuine occupational requirement (GOR) where;

- whether or not the employer has an ethos based on religion or belief, the nature of the employment or the context in which it is being carried out, mean that being of a particular religion or belief or sexual orientation is a genuine and determining occupational requirement, and it is proportionate to apply that requirement in the particular case
- or
- the employer has an ethos based on religion or belief, and being of a particular religion or belief is a genuine occupational requirement for the job, and it is proportionate to apply that requirement in the particular case.

Any school wishing to rely on this provision must establish that the requirement is necessary to comply with a religious doctrine, or to avoid conflict with the strongly held religious convictions of a significant number of religious followers; or demonstrate that the nature of the work and the context in which it is carried out brings with it a genuine occupational requirement.

At the stage when the job description and person specification are being formulated, schools must be clear why they say that a particular religion or belief is a genuine and determining occupational requirement. Headteachers must keep a note of those reasons as disappointed applicants can challenge schools and Governing Bodies in the Employment Tribunal at a later date.

Schools must also make it clear to prospective applicants that there is such a requirement.

In dealing with those points at the decision making stage of each job interview Headteachers must again ensure that clear notes of that decision-making are kept.

A genuine occupational requirement on the grounds of religion, belief or sexual orientation must not be used as a basis for discrimination on other grounds such as race or disability.

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Where schools are considering the utilisation of exemptions to this legislation please contact the Schools Service, Personnel for advice and support.

### Fixed Term Contracts

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 concentrate mainly on the treatment of existing staff on fixed term contracts. Specific guidance regarding this legislation was sent to schools during the 2011/2012 academic year and updated in September 2013. Fixed term contracts can be offered for legitimate reasons, for example:

- Sickness / maternity cover
- Linked to specific funding (support staff only)
- Linked to the completion of a specific project or task (support staff only)

This is by no means an exhaustive list however schools must be aware of the need to be specific when justifying the use of a fixed term contract.

An unlawful example of a fixed term contract might involve a school wishing to appoint someone on a fixed term contract 'just to have a look at them', or indeed where there is in fact no legitimate reason at all to make a contract fixed term.

**Further information and guidance on the law affecting recruitment and selection can be obtained from Schools HR & Governor Support Service.**

*The Local Authority is in the process of undertaking a pay and grading review of support staff roles in schools. With regard to this schools must be aware of the potential for decisions on such issues to have a negative impact on other schools with regard to equality. Governing Bodies have the power to determine the job descriptions, pay and grading of support staff within the framework of grades used by the authority. Governors should also refer to their Whole School Pay Policy. Aided and Foundation schools do have the flexibility regarding pay and grading issues of support staff, however, it is recommended that the National Pay structures and grades set by the Council are utilised.*

## 1.5 SAFEGUARDING

This Code of Practice has been developed to incorporate Section 175 of the Education Act, School Staffing England Regulations 2009, Section 11 of the Children Act 2004, and the statutory guidance "Working Together to Safeguard Children" 2010 (Updated March 2015) which outlines the statutory duties placed on Local Authorities and Governing Bodies to safeguard and promote the welfare of children. All recruitment documentation i.e. application form, adverts, job descriptions should include the following statements:

**"This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment".**

**"Appointment to this post is subject to an Enhanced DBS Certificate with a check of the Children's barred list for the Child Workforce" and a Childcare Disqualification Disclosure (if applicable).**

**Further guidance in respect of which posts meet the test of regulated activity will be provided by Schools HR & Governor Support Service.**

Adequate planning needs to be set aside to ensure that issues around Child Protection and Safeguarding are considered at all stages of the process. The governing Body will need to ensure that at least one recruitment panel member has completed the safer recruitment training

either through an accredited trainer or via the Lucy Foundation website at [www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)

## **SECTION 2: COMMENCEMENT OF THE PROCESS**

### **2.1 Acknowledging a Resignation**

Usually the recruitment process begins with the resignation of the current post holder.

When a member of staff resigns it is important that they confirm this in writing. It is usual for this to be addressed to the Headteacher or Chair of Governors. On receipt of the resignation it is important that the Headteacher acknowledges formally and makes the necessary arrangements regarding the termination of the employment with HR Services, Schools Team.

### **2.2 Exit Discussion / Questionnaire**

The next stage in the recruitment process is to explore with the jobholder their reasons for leaving.

It is good practice for all members of staff to be offered an Exit Discussion and/or have the opportunity to complete an Exit Questionnaire. The purpose of the discussion/ questionnaire is to gain vital information from the member of staff on their opinion about their job, their school, working environment and the Authority. The information gathered can be used to indicate future employment trends, help identify problems relating to recruitment, induction and retention along with development/review of new policies and detecting unfair employment practices. This is the opportunity for the experienced job holder to comment on any changes that they could suggest to ensure the job is structured efficiently.

#### **2.2.1 Who carries out the Discussion?**

The value of the information depends on the honesty of the person being interviewed. The member of staff should be given the option of a discussion or to complete the questionnaire. The Headteacher should make the necessary arrangements for any discussion; however, it need not be the Headteacher who undertakes this discussion. This can be conducted by the Line Manager (if not the Headteacher) who has a greater understanding of the job and work environment or indeed another senior member of staff who has some degree of impartiality.

#### **2.2.2 Who should be offered an Exit Discussion?**

All contracted members of staff voluntarily leaving a school can be offered an Exit Discussion. If the employee does not want an Exit Discussion, the reason for this should be recorded.

#### **2.2.3 When should the Exit Discussion take place?**

The discussion should ideally take place in the last week of the employment.

#### **2.2.4 How are they carried out?**

A standard questionnaire is detailed at Appendix 2. The discussion normally takes about 40 minutes. It is recognised that it is not always possible for the member of staff to be interviewed prior to leaving and in these cases the Exit Questionnaire may be forwarded to the member of staff by post - this however, should be the exception.

The discussion should be conducted in private with no interruptions and the manager should have all the relevant member of staff records e.g. job descriptions etc available.

#### **2.2.5 Documentation / Analysis**

Where a discussion has taken place or an individual has independently completed a questionnaire, the relevant documents should be fed into the Senior Leadership Team in the school for analysis. Individual or collective analysis can then support decision making in the recruitment process.



### **SECTION 3: JOB ANALYSIS/JOB DESCRIPTION**

Along with the information gained from the Exit Discussion, the Headteacher/Nominated Person should review the job taking into account the following:

- **Is the post still required?**  
(Has the situation changed, do you need to re-focus support or finance?)
- **If so, is it still required at the same level?**  
(Are you getting what you need from this post, is it pitched at the right level, do you need to address a grading issue?)
- **Should there be any changes to the hours or contract?**  
(Think about current and future need)

If any changes are required to the post this must be consulted upon with the relevant bodies in line with the Education (Review of Staffing Structure) (England) Regulations 2005, where appropriate following the "Review of Staffing Structures Policy".

#### **3.1 Why do we need a Job Description?**

- So jobholders know what is expected of them.
- It is used as a basis for assessing what knowledge and skills are required for the job.
- Job applicants have a clear idea about the job itself.
- It forms part of the Contract of Employment.
- It is a necessary part of the School's Performance Management Framework.

The Job Description should be reviewed periodically to ensure that it is still up to date.

Any changes to the job description can be discussed with Schools HR & Governor Support Service who can also provide any advice on the appropriate structure of a job description to ensure it is accurate and written in a non-discriminatory way. Advice in relation to appropriate grades can also be sought.

A model Job Description template is attached at Appendix 3.

#### **3.2 What should be included in the Job Description?**

The job description should be a list of the main duties and responsibilities of the post. It should not be an exhaustive list of every task. The following is guidance on the completion of key areas of the job description.

The Grade of the post.

Purpose and objectives of the post - a brief statement of the overall purpose and function of the post. The statement should be brief, ideally no more than 3 or 4 sentences.

Control of Resources – key areas of work that the postholder will be responsible for.

Responsibilities - Gives further details of the key areas of responsibilities. Care should be taken to avoid repetition or overlap of duties and vague words such as 'frequent' or 'regular' should be avoided.

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The job description should indicate that the post is subject to 'Enhanced DBS Certificate', and indicate whom the post holder reports to and whom they are responsible for.

It should clearly state the postholder's responsibility for promoting and safeguarding the welfare of pupils at the school.

Finally the job description should be dated to indicate when it was last reviewed.

### **3.3 When should it be done?**

The job description must be drawn up before the person specification and before the post is advertised.

Model job descriptions for a range of posts are available on the Schools Intranet. The Local Authority and the recognised Teacher Associations/Trade Unions have agreed to the Model Job Descriptions as good practice. Schools are able to amend the model job descriptions in line with their specific requirements.

## **SECTION 4: THE PERSON SPECIFICATION**

The purpose of a person specification is to provide a list of the skills, experience, qualifications etc. which a person should have in order to undertake the duties of the post. The person specification is a crucial document in the whole recruitment process and is key to the ultimate decision making process.

### **4.1 Why do we need a person specification?**

- Clarifies the relevant skills and knowledge to do the job
- It is used as a basis to assess someone's ability to do the job at the application and selection stages
- It enables the selection panel to assess fairly and objectively
- It describes the person you are hoping to recruit
- It allows the panel the basis of preparing questions relevant to the requirements of the post
- It is a fair and objective way of assessing candidates' abilities
- It allows the candidate to target their application against essential criteria
- It will form the basis of any defence at an Employment Tribunal

### **4.2 When should it be done?**

The Person Specification must be drawn up before the post is advertised. If one already exists this should be reviewed.

### **4.3 Who draws it up?**

It is normal practice for the Headteacher/Nominated Person to draw up/review the person specification as they have the detailed knowledge about the job (although this can be delegated to other managers).

If involved, a selection panel should be convened at this stage to discuss the person specification so that the panel members understand the requirements and how each item will be assessed. This will assist with fairness and consistency.

It is advisable that at least three people are involved throughout the recruitment process, although a minimum of two is accepted. Where possible, it is also advisable that the selection panel is of mixed gender.

### 4.4 Writing the Person Specification

Use the up to date job description as your starting point as you will need to consider the knowledge and skills required to perform each part of the job.

A person specification is required for each post as differing knowledge and skills are required.

#### 4.4.1 Justifiable Criteria

This is a key element. It is important to determine whether the knowledge, skill/ability and qualifications are either essential or desirable. Criteria should be non discriminatory.

#### 4.4.2 Essential/Desirable Criteria

The essential criteria should be the qualifications, experience, skills and knowledge required to undertake the duties of the post. Problems arise when individuals are shortlisted or even appointed when they do not meet the essential criteria on the person specification. Examples of this include appointing candidates with lower qualifications or less experience than has been detailed as essential. This can lead to claims of unfairness and must be avoided. If it is necessary to dilute criteria then this must be applied to all candidates consistently.

If a skill, qualification or experience criteria would enhance the person's ability to do the job but it is not essential to carry out the duties of the post then this should be a desirable criteria. Desirable criteria should be kept to a minimum.

It is important to ensure that the language used in the person specification is clear, concise, free from jargon and non-discriminatory. The criteria should be measurable and some thought should be given as to how each criteria will be measured - from the application form, interview, testing etc. (criteria should if possible be measured by more than one of these methods). This should be made clear on the person specification to assist the candidate. It is advisable that a range of methods of assessment are used.

For all tasks on the job description consider the knowledge, skills, abilities and qualifications required for them to be performed well.

#### 4.4.3 Qualifications/Experience

Within schools essential professional qualifications are often a minimum requirement, particularly in teaching posts. Qualifications are often an indication of a person's capabilities but care must be taken not to deter applicants who have the necessary skills and experience but not the required qualification, particularly in support roles. Ask what skills and knowledge does this qualification give? Often experience on the job enables an individual to become more competent in terms of abilities than others who are qualified but have no work experience. It must be recognised that older workers may not have had the opportunity to study mainstream qualifications such as GCSE's, O' levels etc. but could carry out the duties nonetheless, due to experience.

It may be relevant to specify a particular qualification or an 'equivalent' qualification. To aid clarification, please specify which other qualifications you deem to be equivalent or those which will be acceptable to you (bearing in mind obviously any statutory qualifications as a minimum).

Think about:

What standard of education does the work require e.g. for an admin or clerical position.

Experience should be an area that is cautiously applied and should relate back to skill. This is an area that can assist with selection at the application stage but needs to be tested at interview. Just because someone has 5 years experience of teaching does not mean that they are good at

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it! You need to consider both employment and life experiences. Many candidates for posts will have experiences in their domestic lives that can readily be transferred to posts within schools.

### 4.4.4 Skills/Knowledge

What is involved in doing a particular task? What skills are needed? Decide on what standard skills or specialised skills or abilities the job requires. Try and put some qualitative or quantitative measure. Do not ask for a higher level of skill than is really required. When considering these skills, consider how you are going to assess them. It should be possible for the candidate to be able to demonstrate certain skills on their application form and certain skills at the interview, through questioning, tests or exercises. Use phrases on the person specification such as:

Ability to .....  
Demonstrate .....  
Able to .....

Knowledge - What would a person need to know in order to do the job? Do they need previous knowledge or can they find out quickly through induction on starting the job? If they can find out quickly when they start the job, the knowledge is not an essential minimum requirement.

In most circumstances Headteachers should not expect applicants for posts to have a detailed knowledge of the school/service in question. This tends to raise claims of unfairness and bias towards candidates already working in the school/service.

### 4.4.5 Special Working Conditions

Broad phrases like 'must be flexible' should not be used. Ask yourself, what does this mean? What do I actually want? What actual flexibility do I need? Include details of specific work related circumstances. Things like:

*Will be required to work until 6.30pm on a Thursday evening on a rota basis* (although you should be able to justify such rigid requirements)

Completion of this section does not mean that interviewers are permitted to ask questions about an applicant's personal or family circumstances, but should ensure that the candidate is asked if they can work within the job related circumstances. Be clear with regard to your requirements. When considering job related circumstances look at the demands of the job.

### 4.5 Genuine occupational requirements (GOR)

It may be lawful for you as an employer to treat people differently when recruiting. In very limited circumstances, if you can show that someone with a particular protected characteristic (as defined by the Equality Act 2010) is central to a particular job, then you can insist that only someone who has that particular protected characteristic is suitable for the job. This would be a genuine 'occupational requirement' (GOR). There is no definitive list of situations where a GOR will exist. It is therefore always best to take advice before advertising the job if you believe that there is a GOR because if a discrimination claim is brought, the burden of proof is on the employer to prove there is a GOR. This will be strictly construed by a tribunal as it derogates from the usual principle of non-discrimination.

You must decide whether a GOR exists before advertising the job. All roles in an organisation must be considered separately; if there is a GOR relating to one role, it will not necessarily apply to all roles within the organisation.

GORs should be reviewed each time the job becomes vacant, as circumstances may change. If only a few tasks require that the employee have a particular characteristic, you should consider whether duties could be reallocated to other employees who do meet the requirement.

### 4.6 Things to consider when preparing the specification

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Avoid requirements that unlawfully discriminate against candidates and remember the duty to make reasonable adjustments where there is a declaration/information of a candidate with a disability defined by the Equality Act 2010. Funding or other support may be available to assist a disabled person.

Avoid trying to assess the attitude or personality required for the job.

Avoid putting things like:

- Sense of Humour - How can you measure it and it is very subjective.
- Numeracy skills - what does this mean - the ability to make simple calculations or an accountancy qualification?
- Interpersonal skills - again this means different things to different people - does it mean being able to deal with complaints from members of the public or being able to write letters? Again think about examples of what you will actually need.

Finally always check the person specification relates to the job description. A person specification proforma is attached at Appendix 4.

### **SECTION 5: ADVERTISING**

The way you format and place your advert will be crucial in attracting the right candidate.

What should be included in the advertisement?

- The school and its location.
- Job Title - ensuring this is meaningful to the target audience.
- Safeguarding statement.
- Requirement for Enhanced DBS Certificate.
- Grade, Salary - including any allowances which may make the post more attractive.
- Hours of work.
- A brief description of the school.
- Job Content - the main purpose of the job, not the full job description.
- What essential skills/abilities, experience, qualifications etc are required.
- Closing date (approx 2 weeks should be given to enable the candidate to receive and complete the application).
- Interview date if possible.
- Information about how to apply for the post.

The Schools HR & Governor Support Service has provided separate management guidance to schools on the detail required in any advertisement.

#### **5.1 Writing an advert**

##### **Identify the USP (Unique Selling Point).**

*It's something, anything that this role/school /organisation offers that nobody else does. It's the main reason why people should come to work for you.*

Remember: sell the job realistically, keep the text clear and simple, refer back to the Person Specification to ensure that all the important criteria are included. Try and make it clear in the advertisement what you want. Remember candidates do not want to receive an application form and find they cannot apply and you do not want to receive hundreds of requests for application

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forms from people who don't meet the criteria on the person specification just because the advert has been too vague. This wastes time and is very frustrating.

Finally ensure that the advert is not discriminatory and offensive or in anyway off-putting to any person or group. It is unlawful to publish an advertisement which indicates an intention to discriminate against applicants from certain groups except on ground of genuine occupational requirement (see page 30).

### 5.2 Applicants' Information Pack

The information pack sent out to prospective applicants must provide a clear image of the school and prominently set out its commitment to safeguarding children.

Individuals who make enquiries about a job should be sent the following as a minimum:

- The appropriate Application Form containing guidance and monitoring forms (equality and recruitment).
- Job Description and Person Specification.
- Child Protection Policy (Summary).
- Interview process.
- Requirements for references.

Additional information may also be helpful to candidates which could include:

- Details about the school and the organisational structure.
- Any other job-related information which may assist the applicant.
- Information about Rochdale and the Council.

It may be necessary to provide information to applicants in different formats e.g. Braille, large print, or in different languages etc. Requests for information in different formats should be dealt with speedily so as not to disadvantage the applicant. Please contact the Schools HR if advice is required.

## **SECTION 6: SHORT LISTING**

In many respects short listing can be the most difficult part of the recruitment and selection process, especially if a large number of applications have been received.

The short listing panel should consist of at least 3 people (although a minimum of two is accepted) of suitable experience and training and where possible gender mix. At least one member of the panel must have completed the Safer Recruitment training. The same panel members should be involved throughout the recruitment process and Governors should be a member of the relevant Committee of Governors (Personnel and Pay Implementation Committee).

At the short listing stage, the task of the selection panel is to assess the applicant's eligibility for an interview based on information provided in the application form. As part of the process of drawing up a person specification it should have already been identified which elements of the criteria can be measured by considering the application form. All applications must be read and assessed against the criteria which are indicated for assessment via the application form. Application forms have limited information and you have to make judgments as to whether the candidate meets the criteria or not, although you should not assume anything.

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### 6.1 Panel

Each panel member should independently assess the applications before meeting as a short listing panel and then the panel should meet to discuss their results, challenging the results and any discrepancies. Be prepared to be flexible, remembering that each selector has equal status and must always contribute the reasons for their recommendations about each candidate. It is their responsibility to ensure that one composite short list matrix (Appendix 5) is completed to record the final decision of the panel.

### 6.2 Study the Application form

Each panel member will be provided with an 'Interview Pack' which contains the application forms and other relevant interview information including the Job Description, Person Specification and short list matrix.

All applications should be scrutinised to ensure that they are fully and properly completed; that the information provided is consistent and does not contain any discrepancies and to identify any gaps in employment. Any unexplained gaps must be diligently followed up. It is appropriate to go back to the candidate if the panel need clarification or further information, though you must be able to qualify any explanation or clarification you request. In this way the candidates have an opportunity to provide all relevant information at the start of the application process.

### 6.3 Drawing up a Shortlist

- Draw up your short list systematically.
- Measure each candidate's abilities and qualities methodically.
- Avoid making snap or gut reaction decisions based on casual or superficial examination.
- Search for key selection criteria.
- Examine each applicant's present role for the range of responsibilities, achievements and challenges it offers.
- Investigate previous employment history (paid/unpaid).
- Look closely at any gaps, discrepancies and make a note of this to prompt questioning of the candidate if selected for interview.

Evaluate each candidate's level of expertise in the occupation area and the relevance of any qualifications they hold or training they have undertaken previously.

**Be aware of your own attitudes, stereotypes, likes and dislikes. Introducing these into the assessment will affect your ability to conduct an interview in a fair and non-discriminatory way.**

It is a good idea particularly when there are a high number of applications to rank the criteria – with the most important criteria being listed in priority order. This often helps in determining a shortlist when there are a lot of applications. Another method of achieving a manageable shortlist when a lot of candidates meet the essential criteria is then to look at the desirable criteria or pre-screening of candidates in order to invite a final short list of preferred candidates.

### 6.4 Some Don'ts

- make assumptions or stereotypes about the physical or mental qualities of men and women for example e.g. 'this job is not for a woman, or about those from particular racial backgrounds or national origins. Making such decisions could leave the School/Local Authority open to a claim under the Equality Act 2010. By a candidate making an application, they are making a declaration that they feel able to undertake the role.
- make assumptions about how an applicant's home/family life will affect their work.

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- ask about a candidate's health prior to a conditional offer being made.
- once health information is known, i.e. if a prospective candidate makes a declaration, don't make assumptions about how an applicant's disability or health record will affect their work. Disability can only disqualify in rare cases where it substantially affects the ability to work effectively, or create unreasonable demands for physical access in the workplace which cannot be met by aids, adaptations or reasonable adjustments to the job which should always be explored.
- not shortlist someone because of personal information contained in the application form - ethnic background, name, address, sex or marital status. Selectors must not exclude a candidate on any of these grounds unless there is a genuine occupational qualification in accordance with the relevant Equality Act 2010.
- consider age as an issue. Younger candidates with the required skills should not be disregarded and older candidates should be valued for their experience and potential contribution. Consideration of a candidate's age would be a breach of the Equality Act 2010.
- Disregard someone because of his/her handwriting. Poor handwriting does not necessarily mean a poor candidate. A poorly presented application could be a valid reason for rejecting an application, but for many jobs, for example, those involving new technology or those with a low written content, this may not be a crucial factor.

### 6.5 Common Problems

If there are no suitable candidates, you will probably want to re-advertise the post. The selection panel should review the quality of the whole process particularly the Person Specification, the advert and the potential source of applicants.

If only one applicant meets the essential criteria, it is acceptable that this applicant is interviewed. Remember, candidates should be measured against the Person Specification **not each other**.

Where the response to an advert produces a high volume of applicants of variable quality and backgrounds, selectors should review the advert, media and person specification to ensure they reflect the job accurately.

If an advert contains too few job related requirements this will also raise too many expectations (and too many applicants!).

Specifications must be job-related not contract related. You must establish the same criteria for a temporary post as for a permanent post and apply the same standards equally to both during the selection process.

### 6.6 Shortlist Checklist

Have the following been considered:

- any declarations of interest or any relationships with candidates?
- have all selectors been equally involved and contributed to the shortlisting process?
- have the criteria and process to be used to arrive at a manageable shortlist of candidates been decided?
- have the criteria which are measurable from the application form been identified?
- is the short listing system objective and systematic and are all decisions recorded?



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- have all applications been assessed against the person specification, testing only those criteria that can be assessed by pre-screening?
- have the selection criteria been applied consistently to all candidates and has each applicant been dealt with in exactly the same way?
- have all shortlisted candidates met the essential requirements of the person specification?

If an applicant has declared a conviction on the application form this should not, automatically, prevent the candidate from being shortlisted. Advice should be sought from Schools HR & Governor Support Service as to the relevance of the conviction for the post applied for and suitability for employment with the school.

**A criminal conviction should not automatically bar applicants from being shortlisted or appointed.**

### **SECTION 7: REFERENCES**

All appointments are subject to two satisfactory references, including internal appointments. The requirement to take up references was highlighted nationally via the Bichard Enquiry, and schools must ensure that satisfactory references are received **prior** to interview.

Church schools may, in addition, wish to request faith references. This should always be in addition to the above.

In line with DfE requirements, one reference must be the current or most recent employer. If, however, the applicant does not offer this person as his/her referee on the application form, then the school must approach the applicant to enquire the reason for this. If this is refused without an acceptable reason (which, if given, should be recorded and kept with the application form), then the school must have strong reservations about employing such an applicant. An acceptable reason might be for instance that the business that employed the applicant has ceased trading and therefore the staff are no longer contactable. Schools are advised to seek further advice from Schools HR Service in such cases.

If the applicant is not currently working with children, but has done so in the past, an additional reference should be obtained from the employer by whom the person was most recently employed to work with children. Again the applicant's permission must be obtained to do this and the provisos in the above paragraph again apply.

References should be taken up prior to interview, so that the panel can consider the information. The panel should review the references and clarify any concerns or inconsistencies with the candidate in the interview.

If a written reference cannot be obtained before the interview, it should be made clear to the successful candidate that the offer of employment is subject to receipt of satisfactory references. Open or agreed references should not be accepted.

Family members and friends must not stand as referees. Should an applicant offer such a person, then the applicant should be asked to offer an alternative person. Selection panel members should also not stand as referees directly, unless this is unavoidable, being the current employer.

References should be checked for any discrepancies between information on the application form, interview or references, i.e. dates that do not correlate with the application form, questions that haven't been answered e.g. questions on disciplinary action. If this is the case, it is wise to go back and check this with the referee.

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If Headteachers are dissatisfied with any aspect of a reference they should seek advice from Schools HR & Governor Support Service.

If a referee refuses or cannot provide a reference which would mean 2 satisfactory references have not been received, then the candidate could be asked to provide details of a further referee or consideration given to withdrawing the conditional offer of employment.

Due to potential litigation, an increased number of referees are only providing limited information on candidates, e.g. only confirming employment and the dates of employment. A school should investigate this further by asking the candidate to explore whether the employer will provide further information with candidates consent. A school could also consider requesting an alternative referee (where able). The school should then make a final judgement, based on all the information available, and record the decision made clearly, especially if this results in the conditional offer being withdrawn.

### **SECTION 8: THE INTERVIEW AND SELECTION PROCESS**

#### **8.1 Good Practice in recruitment interviewing**

The Key purpose of a recruitment interview is to assess the skills, experience and general background of job applicants in order to make a decision on which candidate is the most suitable person for a particular job. Questions should therefore be structured to explore facts, and interviewers should take care not to make decisions based on assumptions about applicants linked to their own subjective views and opinions.

#### **8.2 Informing the Candidate**

You may wish to contact the shortlisted candidate by telephone initially to give them as much notice as possible and confirm they can attend the interview. Ideally at least one week's notice should be given, in writing, before an interview/assessment. This allows the candidate time to prepare and make the appropriate arrangements for them to attend.

A confirmation letter should include:

- The date, time and approximate length of the interview.
- Format and length of interview, which will include reference to safeguarding.
- The interview venue along with details of how to get there if appropriate.
- Access to car parking.
- The name of the Chair of the Panel and to whom they should report upon arrival at the venue.
- The selection methods to be used e.g. interview, presentation and any tests. Give a brief description of what any test will involve.
- Where applicable, the title of any pre-prepared presentation required.
- Where applicable, details of the equipment available for presentation (i.e. PowerPoint, Flip-Chart etc.).
- If refreshments are being provided.
- All candidates should be asked if they require any reasonable adjustments, have any special access, dietary or other requirements (if refreshments are being provided). It is important however, to ensure if they have, that these are followed up.
- A request to confirm their intention to attend.
- Reference to an overnight stay if applicable.

#### **8.3 Before the Interview**

##### **8.3.1 Prepare a Schedule**

Consider the timetable of interviews. Most interviews take at least 30 minutes. Allow at least 5 to

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10 minutes between each interview to individually further write up notes and score. It's easier at this point than to try and remember everything at the end of the interview.

Don't try and fit too many interviews into one day - after a while it can affect your capacity to make sound judgments, particularly towards the end of the day.

### 8.3.2 The Venue

The place of the interview/ tests must be private with no interruptions.

Think of the physical environment and the layout of the room as this gives a message about the school. Try and make the layout of the room as comfortable and as relaxing as possible. The more relaxed the candidate is the more realistic responses are likely to be obtained.

Arrange a seating plan and make sure that the appropriate arrangements are made for the arrival of the candidates. It is good practice that the reception or another member of staff are aware of the interviews and greets the candidates. Make sure that candidates have a suitable waiting area either prior to the interview or between various selection tests where applicable.

Ensure that the venue is accessible and that if someone has any special requirements, arrangements have been made to comply with these.

### 8.3.3 Questions

Questions should be prepared before the interview and be agreed by all the panel members.

Care should be taken to ensure that all essential criteria are tested as part of the selection process, that interview questions relate back to the criteria on the person specification and are structured.

For those posts which involve contact with pupils, questions should be asked that assess the candidate's skills/experience, suitability, attitude and motivation to work with children.

Managers involved in recruitment have a duty to conduct selection interviews fairly and without bias for or against any particular candidate. This is harder than most people think, because all human beings are affected by bias and prejudice, and these often operate at a subconscious level. It is therefore important for managers responsible for recruitment decisions to recognise how bias might influence their thinking.

It is best to ask *Open* questions which start with how, why, what or can you tell me about? These questions get the most out of the candidates and can be followed by further questions dependent upon the response.

You should avoid:

*Leading questions* where the answer is given to the candidate e.g. "You get on well with people don't you?" The likely response is going to be yes!

*Multiple Questions*, where a number of questions are asked at the same time. This is confusing and the candidate is likely to only answer part of the question. e.g. "Have you supervised people, what difficulties did you have and how did you handle them?"

*Alternative Questions*, where the candidate is offered one or two alternatives. This leads the candidate and denies them the opportunity of discussing other options e.g. 'Do you think that good supervision is concerned with staff development or discipline?'

Think about the wording of '*Hypothetical*' Questions, where a candidate is given a hypothetical situation and asked how they would respond. More information is obtained from asking candidates about their previous experience and what they have done rather than how they

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would react. If you ask a hypothetical question you are likely to get a hypothetical answer! For example you are more likely to get a more meaningful response to the question 'tell me about a time when you have dealt with an irate customer' than 'how would you respond to an irate customer'. You may however need to defer to a hypothetical question if the candidate cannot provide an answer, although this may provide you with an insight to their experience to date.

Do not ask discriminatory questions about a person's personal circumstances i.e. marital status, sexual orientation, childcare arrangements, or questions relating to a person's colour, religion or racial origin as this would be a breach of the Equality Act 2010 and could lead to claims of discrimination if the candidate is not appointed. If a person volunteers any of the above information it must be disregarded. Remember that the information you have provided via your advert and application pack should clearly outline your expectations of the individual you eventually appoint. Whilst this should not detract in any way from the potential flexibility, this should have filtered at advertisement stage anyone who clearly would be unable to fulfil those requirements.

Ultimately, if a job applicant who is suitable for the job in terms of skills and experience is rejected in favour of someone of the opposite sex or a different racial group, for example, and that person can show that potentially discriminatory questions were asked at the interview, the burden of proof shifts to the employer to prove, on the balance of probabilities, that it did not discriminate.

The interview should also be used to check out or explore in more depth information which has already been given on the application form. For example:

- to clarify information which is vague, e.g. reasons for leaving, frequent changes in employment.
- to check out any inconsistencies i.e. gaps in employment.
- if there appears to be any issues with referees.
- to clarify any areas of concern.

If, during the interview, the applicant has not satisfactorily explained a gap in employment or a reason for leaving, the panel can take up additional, specific references to verify information.

This is a significant part of safeguarding in the recruitment process and notes of responses should be made.

### **8.4 Structure the Interviews**

8.4.1 Panel arrangements - who will take what role e.g. Introductions, who will ask what questions.

8.4.2 Chairing - who has overall control and is responsible for the process ensuring everything is planned and records are kept. In normal circumstances this will be the Headteacher. However in larger schools, the interview process may be delegated to other relevant staff. In line with the School Staffing (England) Regulations 2003, the overall responsibility for appointment must remain with the Headteacher and any appointment must be ratified by the Headteacher prior to offer.

8.4.3 Model answers – it is good practice and useful practically for each panel member to have listed, in bullet point form, areas which should be covered by the interviewee in answering each specific question. In particular, this can aid less experienced panel members. This also aids note taking and subsequent deliberations.

### 8.5 During the Interview

#### 8.5.1 Introductions

The first stage is to introduce the panel and outline the format of the interview. Explain the purpose of the interview, how long it is likely to last, and advise that the same practice will be used for all candidates. Candidates should also be advised that the panel will ask the same questions of all candidates unless they require confirmation or further detail on a point.

#### 8.5.2 Note Taking

It is important to have records of candidate's responses at an interview both for assessment and legal protection. It is good practice to inform candidates that notes will be taken. All interview notes should be collected by the Panel Chair and **retained for 12 months**. The notes as to the reasons why candidates were shortlisted or not selected for interview are important for a number of reasons:

- If no records are created and one of the rejected candidates subsequently brings a tribunal claim alleging discrimination, you are unlikely to be able to recall the precise matters that were discussed at the interview or the way in which questions were phrased.
- The absence of any records may lead to an employment tribunal to conclude that the whole recruitment process was conducted in a random or subjective way.
- If records are available this will provide evidence that the recruitment process was approached in a professional manner. It may also provide specific information that will form a defence against the claim, for example a record that the answers that the candidate gave to specific questions indicated that he or she did not have the essential knowledge or skills required for the job.
- Once a tribunal claimant has shown fact that indicate that he or she might have been treated less favourably on one of the prohibited ground, the burden of proof shifts to the employer to prove, on the balance of probabilities, that it did not discriminate. In recruitment cases, this means persuading the tribunal that the candidate's recollection of events is false or inaccurate, that the questions asked were in fact phrased differently which is difficult without clear records.

Managers should be aware that any record created about an individual and placed in a structured file (or input to a computer) will give rise to individual rights under the Data Protection Act 1998. Specifically job applicants will have the right, upon written request, to be given a copy of their own file. Interview notes can be admissible in evidence in Employment Tribunals and therefore notes should therefore be compiled with this in mind.

#### 8.5.3 Purpose

The purpose of the interview is to provide the selection panel with relevant information beyond that already contained in the application form about a candidate's ability to do the job. It allows the candidate the opportunity to demonstrate their skills, knowledge and abilities against the person specification and provides the candidate with more information about the job and the school to help decide if the job is right for them. A fair and open interview must be given to each candidate.

#### 8.5.4 At the end of the interview

It is good practice to ask the individual whether or not they remain a firm candidate for the position.

Be clear with the candidate with regard to the timescales and method of informing candidates of the decision. Double check telephone numbers and availability to receive phone calls.

### 8.6 After the Interview

Following each interview the panel is required to agree how each candidate matches the requirements of the person specification and record and score a consensus decision. The prepared model bullet point answers will be invaluable at this stage.

The decision about selection must not be made until all the interviews have been completed. All panel members should discuss their individual assessments and the evidence they have found in order that a decision can be recorded. The decision should reflect the scores throughout.

It is usual for the successful candidate to be informed by telephone that they have been successful and a **conditional verbal offer can be made** (subject to the relevant employment checks). It is normal practice to make the successful offer first, just in case there has been a change of heart on the part of the candidate. If this is the case you can consider an offer to the second choice.

It is also usual to inform unsuccessful applicants (particularly internal candidates) by telephone, or in person, as there is nothing worse than finding out you haven't got the job from the grapevine. Be sensitive! Put yourself in that person's shoes. It is good practice to offer feedback to candidates also. This feedback should not be given during this conversation, as you will not have had time to prepare properly and the recipient will be in no fit state (whether successful or unsuccessful) to take full advantage of this. (see also section 10 – Feedback for further advice).

## **SECTION 9: APPOINTMENT**

All offers of employment must be made conditionally subject to the completion and receipt of satisfactory statutory checks. After all the checks are complete this is confirmed in writing along with agreement of a start date.

**NB: Should a school decide to confirm an offer in writing, it is essential that this letter refers to this as being a conditional offer.**

It is vital that schools provide the following to Schools HR & Governor Support Services, as soon as possible following the verbal conditional offer being made:

- Salary Review Sheet (Teachers).
- Job Description/Person Specification.
- Bank details/personal details.
- Copies of proof of identity.
- The original application form.
- Appointment notification confirming the appointment and the terms of the contract (i.e. position, hours, grade, permanent, fixed term, including if fixed term the objectively justifiable reason).
- Originals or copies of the two references.
- Pre-employment health check.
- Copies of qualifications required for the post.
- DBS certificate number and date, with Headteacher decision form

**As outlined to schools in previous documentation a number of statutory checks must be satisfactorily cleared prior to actual commencement of duties. The candidate should not be advised to resign, or offered a start date, until all the relevant pre-employment checks have been received, and are satisfactory.**

Following DfE guidance the following minimum checks are required prior to commencement:

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- Enhanced DBS Certificate with a check of the Children's barred list for the Child Workforce
- Medical Clearance.
- Satisfactory references received (one being from the most recent **relevant** employer).
- Minimum qualification requirements confirmed.
- Acceptance by the DfE (DfE reference number) (teaching staff).
- Childcare Disqualification requirements under the Childcare Act for relevant employees (if applicable)

### 9.1 Qualifications

Where qualifications are a requirement of the post these should be checked and the appointment should be subject to receipt of these. Original documents should be seen by Operational HR Services, Team who will place a copy on the personal file.

### 9.2 Disclosure Checks

All school related appointments are subject to Enhanced Disclosure and, where the post meets the test of regulated activity, a barred list check.

### 9.3 Medical Clearance

All appointments are subject to satisfactory medical clearance and staff must not commence duty without satisfactory clearance being gained.

After making a conditional offer, the school must send an additional reference request to the candidate's current/most recent employer to specifically obtain information relating to their health and attendance at work. This can only be done after a conditional offer has been made and not prior to this. Upon receipt of the reference, should any information be received that is a cause for concern, the Headteacher should obtain advice and support from Schools HR & Governor Support Service.

The successful applicant will also be asked to complete a medical questionnaire when the initial offer letter is sent and the candidate is informed that the offer is subject to medical clearance. It is the role of Occupational Health to advise/determine whether the candidate is medically fit and suitable for the proposed employment this will incorporate Teachers meeting the fitness to teach standards. If there are any health conditions Occupational Health will advise on the impact of these on the proposed employment.

Headteachers should always be mindful of the requirements of the Equality Act 2010 (Disability) and never disregard someone for employment on the grounds of their disability.

### 9.4 Prevention of Illegal Working

The Home Office has issued guidance to employers regarding changes to the law on preventing illegal working.

This guidance incorporates amendments to document checks under Section 8 of the Asylum and Immigration Act 1996 which came into force on 01 May 2004. Key to this are the EU changes from 01 May 2004 and nationals from eight of these countries must register with the Home Office if they start working in the UK (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia).

#### 9.4.1 Further changes from 29<sup>th</sup> February 2008

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New legislation came into force on 29th February 2008 regarding changes to the Asylum and Immigration Act whereby employers are required to undertake further checks to ensure employees have the necessary documentation. These checks need to be undertaken for every new employee at the same time during the recruitment process before the employee starts work. Therefore, in order to establish a valid defence to show that you have complied with the changes, employers should implement a 3-Step Test for checking documents (i.e. this will form the basis of a statutory requirement and ensure that you are not convicted for unknowingly employing a person). The basis of the change is that you will need to:

- Obtain the original documents.
- Check the original documents.
- Save copies of the documents.

The changes now provide for a copy of one document from a specified list (as referred to at appendix 9) will provide statutory defence (for example a passport amongst others). In the absence of a document from this list, two copies from a second list will suffice (for example a work permit plus another document, or proof of a National Insurance Number plus another document).

### **The reality for schools on a day-to-day basis.**

The role that the school plays in this is to actually check the documentation, make the copy and forward this to HR Services, Schools Team. Confirmation of appointment is only sent when this plus a number of other relevant checks are completed satisfactorily. It should be made clear that if an employer employs an individual without a statutory defence, then they may be committing a criminal offence under section 8 of the Asylum and Immigration Act.

### **Onus on the school**

The school must take **reasonable steps** to satisfy themselves that the potential employee is the rightful holder of the documents. This will include:

- Checking of photographs.
- Check dates of birth are consistent with appearance.
- Check expiry dates on documents.
- Check any stamps or endorsements to ensure that the potential employee has been cleared to undertake the type of work offered.
- If there is an anomaly on names from list two (i.e. because of marriage) then a third document must be requested.

All the above information should then be retained on the schools single central record in accordance with "Safeguarding Children and Safer Recruitment in Education" document 2007.

### **Childcare (Disqualification) Regulations 2009 amended November 2014 (Keeping Children Safe in Education)**

The school must ensure that staff appointed to relevant posts applicable under the Act are asked to complete a Declaration form affirming that they are not disqualified to work.

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare.

This includes:

- Early year's provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care



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provided by the school) both during and outside of school hours for children in the early years age range; and

- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

This means that staff employed who work in the following roles are not covered, i.e. staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- have no involvement in the management of relevant provision.

In relation to staff employed by childcare providers (i.e. not employed by the school or local authority) who hire or rent school facilities or premises, schools should ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2009 Regulations.

Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are not covered by the legislation. Similarly most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation.

Schools should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from the schools HR provider or the Local Authority Designated Officer (LADO), when appropriate. A record of the assessment should be retained on the employee's personnel file and also recorded on the schools Single Central Record.

Schools will need to ensure that all posts in scope will need to clearly advise prospective employees on the advert, Job Description and Person Specification that it is a requirement of the post that the successful candidate will be required to complete a disqualification disclosure form.

### **SECTION 10: FEEDBACK**

Giving and receiving feedback is a means by which we can learn about our performance and the effect our actions have on people and situations around us.

Both the successful and unsuccessful candidates should be offered feedback. The successful candidate for their development and the unsuccessful candidates should be offered feedback as to why they didn't get the job. The panel chair or Headteacher should provide feedback either verbally or in writing at the request of the applicant.

#### **10.1 When do we need to offer feedback?**

- To applicants who have not been shortlisted (**only if requested**).
- To applicants who are unsuccessful at pre-assessment.
- To applicants who are unsuccessful at interview/assessment.

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- To the successful candidate as part of their ongoing development.

It is entirely up to the individual as to whether or not they wish to receive feedback.

### 10.2 How to give feedback? What do you say?

It is important that any information given to unsuccessful candidates should be given sensitively and carefully. Candidates are often disappointed that they didn't get the job and it is important that the information they receive and the way in which this is given to them does not make them feel worse.

The feedback can be given verbally over the phone or in an arranged meeting. You should however take time to prepare your feedback and this should be at a convenient time for both parties.

**Information about any other candidate's performance should not be given.**

- Explain how you intend to give the feedback.
- Start with a positive - a candidate is more likely to listen to any negative feedback if you begin with something positive about them.
- Move onto areas that were less strong focusing on what can be developed rather on what cannot.

## **SECTION 11 - EQUALITY MONITORING**

### 11.1 Race Equality in Employment in Education

Local Authorities and schools have a duty to respond to the ethnic monitoring aspects of the Equality Act 2010. Like all public sector organisations, Local Authorities and schools are expected to be at the forefront in promoting and managing a diverse workforce. For Local Authorities and other employers of the school workforce, there is a need to comply with the legal requirements aimed at eliminating discrimination, advancing equality of opportunity and fostering good relations. Under the Equality Act 2010, there are overarching duties which apply to almost all public bodies, as well as specific duties which relate to those involved in education.

### 11.2 Duties for Local Authorities

Local authorities have a duty to monitor the ethnicity of all the staff employed by LA maintained schools in their area. This duty relates:

- To all LA maintained schools, whether or not the LA is the employer.
- To all school staff, whether employed as teachers or support staff.

Schools **have a responsibility** to provide the information which Local Authorities need to carry out this role. This is in addition to schools' other general and specific duties under the Equality Act 2010.

The aspects which have to be monitored to meet the statutory requirements on employment include "**Applicants for employment, training and promotion**".

LA's also have a duty to take reasonable steps each year to publish the results of this monitoring.

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The Equality and Human Rights Commission guidance for Local Authorities says that in order to meet their general duties under the Act, they should also:

- analyse the information they collect on ethnicity to identify whether there are differences between racial groups.
- If differences are identified, investigate to see why this is the case and take any necessary action to remove barriers and promote equal opportunities.

The authority's process for doing this could form part of a school's Single Equality and Community Cohesion Policy.

### 11.3 Aided and Foundation Schools

The Equality and Human Rights Commission guidance states that although schools are not directly bound by the specific duties for employers, **they will have to give Local Authorities the information they need to meet their monitoring duties**. This applies to voluntary aided and foundation schools, as well as to community schools.

### 11.4 Collection of data

To support this process in relation to recruitment and selection, the Schools HR Service have already instigated a mechanism to summarise this data. Schools within the Authority are required to provide information to the Local Authority in relation to vacancies, training and staff ending employment. This information is submitted on an annual basis (January) via the AVCO system.

## **SECTION 12 – INDUCTION**

The early days with a new employer can be very daunting - a time when the enormity of the task ahead will both challenge and threaten. Managers very often expect a new member of staff to *'hit the ground running'* or *'throw people in at the deep end'*. This usually happens because the manager lacks time and sometimes expertise to invest in a structured approach.

Schools should have an induction policy in which their procedures are clearly laid out. There is likely to be some variations in these procedures according to the post, since the induction of teaching staff, teaching assistants, office staff etc would need to be tailored to requirements.

Schools cannot afford to leave effective induction to chance because recruitment is a costly business. You should welcome every new member of staff and ensure that the school gives them extra attention and support that they need until they feel comfortable and integrated into their new role. To do all of this effectively, it is important that a manageable induction takes place for all staff regardless of previous experience.

The five main objectives of induction are:

- To assist new staff in becoming familiar with new ideals, surroundings and colleagues, so that their ultimate effectiveness is not compromised by them being uncomfortable or lacking confidence.
- To establish clearly what standards the organisation expects.
- To create the right conditions for newcomers to develop a commitment to their new employer, and for the employer to be able to assess objectively what contribution the new recruit will be able to make to the organisation.
- To provide new staff with copies of School Policies particularly around Child Protection and Safeguarding children, Guidance for Safe Working Practice and the school's confidential reporting process (whistle blowing)

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

- To ensure that the employee is aware of and understands all relevant Health & Safety issues.

Induction should be planned as soon as the appointment is confirmed. However, Health and Safety and safeguarding information on the schools commitment to training on and safeguarding procedures should be completed on the first day in all cases.

The line manager should make sure that where appropriate the new employee's place of work has been prepared and also prepare an information pack in readiness for the member of staff's first day. Staff induction should begin with the new member of staff signing that they have read and understood the schools Code of Conduct, Guidance for Safer Working Practices and all other documentation relevant to the post. It is advisable that the new member of staff and their line manager (or designated person) meet to discuss the aim of the code and how it is applied in the school prior to signing.

This meeting will be an opportunity to discuss the induction process which should include:

- the identification of any training needs.
- a training timetable.
- an induction training checklist.
- the policies and procedures to be understood.
- details of available help and support.
- diary of meetings.
- details of relevant individuals, i.e. line manager.

A member of staff could be assigned to act as a workplace 'mentor' for the first few weeks. The line manager should meet with the new member of staff regularly during the first week to discuss progress and thereafter on a weekly basis for approximately six weeks.

_____ School
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### Exit Discussion/Questionnaire

This voluntary exit discussion/questionnaire enables the school to analyse why staff leave the school. We would be grateful if you could devote some time to complete this. You are encouraged to complete the form frankly so we know what is going well, but, if necessary, we can also make improvements at the school for the next postholder.

Therefore, please mention any good points you think worthy of mention that have helped you to enjoy aspects of your work but also flag up any issues that you feel have made your post difficult for you or where work may need to be done to make improvements.

If you would prefer to discuss matters with a senior member of staff, please let the school know as soon as possible.

Thank you for your assistance.

**Name:** \_\_\_\_\_

**Department/Faculty:** \_\_\_\_\_

**Current position:** \_\_\_\_\_

**Salary:** \_\_\_\_\_

**Start date:** \_\_\_\_\_

**Termination date:** \_\_\_\_\_

**Line Manager:** \_\_\_\_\_

**1) Reasons for leaving the School.**

What was your main reason for leaving? Please tick all boxes that apply.

**A) POST**

- |  |                          |
|--|--------------------------|
| Temporary contract (ending of)                       | <input type="checkbox"/> |
| Lack of job security.                                | <input type="checkbox"/> |
| Moving for improved benefits.                        | <input type="checkbox"/> |
| More suitable working hours.                         | <input type="checkbox"/> |
| Redundancy.  | <input type="checkbox"/> |
| Lack of recognition/disillusionment with profession. | <input type="checkbox"/> |

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### B) WORKPLACE

- Dissatisfaction with working environment. ☐
- Discrimination. ☐
- Working relationships within the school. ☐

#### Harassment/Bullying:

- From a member of Senior Management. ☐
- From a colleague. ☐

### C) CAREER

- Promotion. ☐
- Post in another School/Local Authority (not promoted). ☐
- Lack of training/career development opportunities. ☐
- Taking up full/part time education study. ☐
- Employment outside the school sector. ☐

### D) PERSONAL

- Retirement ☐
  - Age ☐
  - Early ☐
  - Ill Health ☐
- Health. ☐
- Home relocation. ☐
- Not returning to work following maternity leave. ☐
- Other (Please specify) ☐

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## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### 2) Please can you answer the following questions?

i) What did you like most about your job and why?

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ii) What did you like least about your job and why?

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iii) What do you think about your workload?

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iv) Did your job description relate to the actual job you were doing?

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v) What are your views on the training you received both on the job and specialised?

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**RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

vi) Do you think that your skills were fully utilised? If not, why not?

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vii) Any suggestions to improve the job?

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viii) Any comments and suggested future action?

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**Thank you for completing this voluntary questionnaire. It is entirely voluntary.**

**Please return this form in the envelope provided to the Headteacher.**



\* Please delete/insert as appropriate

\*SCHOOL: \_\_\_\_\_

TEAM: \_\_\_\_\_

LOCATION: \_\_\_\_\_

**JOB DESCRIPTION**

**OCCUPATION**

Job Title: *	
Grade: *	(Subject to a Pay & Grading Review the grade of this post may change) * <b>Please delete as appropriate</b>
School/Service:	* <b>Insert School Name</b>
Responsible to:	* <b>Please insert as appropriate</b>
Responsible for:	* <b>Please insert as appropriate</b>
Hours of Duty:	* <b>Please insert as appropriate e.g. 36¼ flexible working hours in accordance with the needs of the School.</b>
Any Special Conditions of Service:	The School operates a No Smoking Policy for all its employees. Casual/essential Car User Allowance (* <b>delete as appropriate</b> ) The postholder will be required to attend occasional evening and weekend meetings (* <b>delete as appropriate</b> )
DBS Disclosure Level:	Enhanced

This school/service is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment.

**Appointment to this post is subject to a Disclosure and Barring Check**

**(If applicable)**

**It is a requirement of the post that the successful candidate will be required to complete a Childcare (Disqualification) Disclosure Form.**

Organisational Chart:

**Please insert**

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### **PURPOSE AND OBJECTIVES OF THE POST**

1. To be .....
2. To be .....

### **CONTROL OF RESOURCES**

#### **Personnel**

To be responsible for the direction, support and motivation of self and any staff under postholders control.

#### **Financial**

To work in accordance with Financial Regulations and procedures of the **School**.

#### **Equipment/Materials**

To be responsible for the safe use and maintenance of equipment/materials used by the postholder.

To adhere to the School rules and regulations relating to the use of ICT, e-mail and intranet/internet access.

#### **Health/Safety/Welfare**

Responsible for the health, safety and welfare of self and others in accordance with **School's** Health & Safety policies and procedures and current legislation.

#### **Equal Opportunities**

To work in accordance with the Authority's/School's Policy relating to the promotion of Equal Opportunities.

#### **Training and Development**

The post holder will be responsible for assisting in the identification and undertaking of his/her own training and development requirements in accordance with the School's Performance Management Framework.

### **RESPONSIBILITIES**

The postholder must:

1. Perform his/her duties in accordance with School's Equal Opportunities Policy.
2. Ensure that School's commitment to public service orientation and care of our customers is provided.
3. Be able to render an efficient service whilst undertaking the duties of this post.

### **PRINCIPAL DUTIES**

**SECONDARY DUTIES**

To undertake such other duties and responsibilities of an equivalent nature, particularly in response to the changing role of School, as may be determined by the School (or nominated representative) from time to time in consultation with the postholder and, if he/she so wishes, with his/her trade union representative.

Job Description prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Agreed by Postholder: \_\_\_\_\_ Date: \_\_\_\_\_

SCHOOL

**PERSON SPECIFICATION**

POST: \_\_\_\_\_

Grade: \_\_\_\_\_

**Note to Applicants:**

This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment.

Appointment to this post is subject to an **Disclosure and Barring Check**.

**(If applicable)**

**It is a requirement of the post that the successful candidate will be required to complete a Childcare (Disqualification) Disclosure Form.**

The **Essential Criteria** are the qualifications, experience, skills or knowledge you **MUST SHOW YOU HAVE** to be considered for the job.

The **Desirable Criteria** are used to help decide between candidates who meet **ALL** the Essential Criteria.

The **How Identified** column shows how the School/Council will obtain the necessary information about you.

If the **How Identified** column says the **Application Form** next to an **Essential Criteria** or a **Desirable Criteria**, you **MUST** include in your application enough information to show **how** you meet this criteria. You should include examples from your paid or voluntary work.

	<b>ESSENTIAL CRITERIA</b>	<b>HOW IDENTIFIED</b>	<b>DESIRABLE CRITERIA</b>	<b>HOW IDENTIFIED</b>
<b>Qualifications and Experience</b>				
<b>Skills and Knowledge</b>				
<b>Special Working Conditions</b>				

# RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

## APPENDIX 4

**SHORTLISTING NOTES FOR THE POST OF \_\_\_\_\_ AT \_\_\_\_\_ SCHOOL**

	ESSENTIAL CRITERIA	CANDIDATE NUMBER									
		1	2	3	4	5	6	7	8	9	10
Qualifications and Experience											
Skills and Knowledge											
Special Working Conditions											

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_

**Request for Reference Letter**

Dear

**REFERENCE REQUEST**

I should be grateful if you would kindly let me have in strictest confidence, your comments on the below applicant's suitability for such a post, together with any other relevant information which you feel would be of value.

<b>NAME</b>	
<b>PRESENT/PREVIOUS POST</b>	
<b>APPLICANT FOR APPOINTMENT AS</b>	
<b>SCHOOL</b>	

In writing your reference, please note that in order to protect the public, the post for which application is made is exempt from Section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. It is not, therefore, in any way contrary to the Act to reveal any information you may have concerning convictions which would otherwise be considered as 'spent', in relation to this application and which you consider relevant to the applicant's suitability for employment. Any such information will be kept in strictest confidence and used only in consideration of the suitability of this applicant for a position for which such an exemption is appropriate.

When seeking references this school/Authority always points out that the author of any references should take care to ensure that the statement he or she provides is reliable, based on a careful and accurate assessment of the individual's qualities. At the same time I urge that the reference should be a full and frank disclosure of all relevant matters, which the writer believes to be true. I hope that the questionnaire helps you in this respect. You should be aware that the contents of your letter may be shared with the applicant and a member of my staff may wish to discuss certain aspects of this reference with you by telephone.

Please would you complete the attached proforma – the job description and Person Specification for the post is enclosed for your reference. As the interviews are to take place on *[Insert Interview Date]* please could you provide your response by email to *[Insert Email Address]* by *[Insert date before Interview]*.

Thank you for your co-operation in this matter.

Yours sincerely

Headteacher

\_\_\_\_\_  
School

**EMPLOYER REFERENCE REQUEST PRO-FORMA**

**CONFIDENTIAL REPORT ON THE SUITABILITY OF AN  
APPLICANT FOR THE FOLLOWING POST:**

<b>Applicants name</b>	INSERT APPLICANTS NAME BEFORE SENDING
<b>Post applied for</b>	INSERT POSITION DETAILS BEFORE SENDING
<b>School</b>	INSERT SCHOOL DETAILS BEFORE SENDING
<b>To be completed by the referee:</b>	
<b>Current post</b>	
<b>Dates of employment</b>	
<b>In what capacity</b>	

Using the job description and person specification enclosed with this pro-forma, please provide a confidential opinion in the applicant's skills, abilities, experience:

Please provide a confidential opinion on whether the applicant has any areas for development/improvement and any reservations you have on the applicant:

# RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

## SUITABILITY FOR APPOINTMENT

The Authority and School has a duty of care in safeguarding and promoting the welfare of young people and expect that all staff will share this commitment. In this respect I should be grateful if you would advise me whether you have any direct knowledge of this person's suitability to work with children/young people, and any incidents relating to children/young people (including those which are 'time spent') and if so, the outcome of any investigations or disciplinary procedures

	YES/NO	If yes please provide dates, concerns, duration and outcome
During the preceding twelve months, have there been any matters referred, or dealt with, under the school's disciplinary procedures?		
Are there any disciplinary warnings in respect of the applicant?		
Have there been previous warnings issued which are now 'time spent'?		

## CAPABILITY

	YES/NO	If yes please provide dates, concerns, duration and outcome
During the preceding 2 years, has the applicant been subject to any capability procedures established by the Governing Body of the school?		
Are there any current capability warnings in respect of the applicant?		

**How highly do you rate the applicant's suitability for the post?**

**(Please tick one box only)**

Recommended for appointment without reservation	
Recommended for appointment	
Recommended with some reservation	
Not recommended	
<b>Would you re-employ the applicant?</b>	<b>YES/NO</b>

If no, please provide further information as to the reasons why:



**RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

<b>REFEREE DETAILS</b>	
<b>Name of person making recommendation/completing employer reference</b>	
<b>Position/how you know the applicant</b>	
<b>Job title</b>	
<b>Contact details (telephone and email)</b>	

<b>DECLARATION</b>
<b>I declare that the contents of this reference accurately reflect the applicant's abilities and suitability for the position. I understand this reference may be shared with the applicant and that I may be contacted to discuss the contents further.</b>

**Signed:**\_\_\_\_\_

**Dated:**\_\_\_\_\_

<b>PERSONAL REFERENCE REQUEST PRO-FORMA</b>
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<b>CONFIDENTIAL REPORT ON THE SUITABILITY OF AN APPLICANT FOR THE FOLLOWING POST:</b>
---

<b>Applicants name</b>	INSERT APPLICANTS NAME BEFORE SENDING
<b>Post applied for</b>	INSERT POSITION DETAILS BEFORE SENDING
<b>School</b>	INSERT SCHOOL DETAILS BEFORE SENDING

<b>To be completed by the referee:</b>	
<b>How long have you known the applicant?</b>	
<b>In what capacity?</b>	

Using the job description and person specification enclosed with this pro-forma, please provide a confidential opinion in the applicant's skills, abilities, experience:

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### SUITABILITY FOR APPOINTMENT

The Authority and School has a duty of care in safeguarding and promoting the welfare of young people and expect that all staff will share this commitment. In this respect I should be grateful if you would advise me whether you have any direct knowledge of this person's suitability to work with children/young people.

### How highly to you rate the applicant's suitability for the post?

(Please tick one box only)

Recommended for appointment without reservation	
Recommended for appointment	
Recommended with some reservation	
Not recommended	

### REFEREE DETAILS

Name of person making recommendation / completing personal reference	
Contact details (telephone and email)	

### DECLARATION

I declare that the contents of this reference accurately reflect my knowledge of the applicant's abilities and suitability for the position. I understand this reference may be shared with the applicant and that I may be contacted to discuss the contents further.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

# INVITE TO INTERVIEW LETTER

Dear

## POST OF [INSERT POST TITLE]

Further to your recent application I am pleased to invite you to an interview for the position of [INSERT POST TITLE]

The purpose of the interview is to assess your suitability for the above post and give both the panel and yourself the opportunity to gain further information before making a successful appointment. It is also an opportunity to seek clarification on information which you have provided on the application form and accompanying information. The interview will also assess your suitability to work with children and will include questions relating to safeguarding and children's welfare.

In line with the Authority's policy relating to the protection of children and under Section 8 of the Asylum and Immigration Act 1996, please also bring with you some verification of identity and any name changes. Please see attached list of acceptable documents for verification of identity.

You should also bring with you all of your original qualification certificates i.e. Degree/PGCE/NPQH/HLTA, relating to the essential requirements of the person specification.

Could you also bring with you the following documents:

- Proofs of Identification for your Disclosure and Barring (DBS) check (a checklist outlining suitable identification is included with this letter)
- Proof of Right to work in the UK. Documents include, British/EEA Passport, British Birth Certificate, EU photo identity card or valid Work Permit or Visa.
- Failure to provide one these documents at interview will result in any offer of appointment being put on hold until you provide this evidence. You will be given 5 calendar days to bring this evidence to the school. Failure to comply in this timescale will result in any offer of employment being withdrawn.

Your interview will take place on [INSERT INTERVIEW DATE] at [INSERT INTERVIEW TIME]. The length of your interview will be approximately [INSERT LENGTH OF INTERVIEW].

I would be grateful if you would contact [INSERT CONTACT NAME AND NUMBER] to indicate your intention to attend for the interview and whether any reasonable adjustments are required.

Yours sincerely

Headteacher  
 \_\_\_\_\_ School

**List of Valid Identity Documents for DBS and Right to Work in UK**

When you attend for interview you will be asked to produce certain **original** documents so that your identity can be verified. The following checklist may help you gather your documents.

**Can you produce a Group 1 document?**

If yes, then you must produce 3 documents:

- 1 document from Group 1 **and**
- 2 further documents from Group 1, 2a or 2b; one of which must verify your current address.

If no, then you must produce:

- 3 documents from Group 2 comprising of;
  - 1 document from Group 2a; **and**
  - 2 further documents from Group 2a or 2b; one of which must verify your current address.

In exceptional circumstances if neither of the above options can be met then you must produce

- Birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) **and**
- 4 further documents from Group 2 comprising of:
  - 1 document from Group 2a; **and**
  - 3 further documents from Group 2a or 2b; one of which must verify your current address.

**Group 1 – Primary Trusted Identity Credentials**

- Current valid Passport ☐
- Biometric Residence Permit (UK) ☐
- Current Driving Licence Photocard with Counterpart (Full or provisional) ☐
- Birth Certificate (UK and Channel Islands) - **issued at the time of birth;** ☐
  - Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces (Photocopies are not acceptable).
- Adoption Certificate (UK) ☐

**Group 2a – Trusted Government/State Issued Documents**

- Paper Driving licence (UK, Channel Island and EU full or provisional) ☐
- Photo Driving Licence (all countries full or provisional) ☐
- Birth Certificate (UK and Channel Islands) - **issued after the time of birth** by the General Register Office/relevant authority i.e. Registrars. (Photocopies are not acceptable) ☐
- Marriage/Civil Partnership Certificate (UK and Channel Islands) ☐
- Adoption Certificate (UK and Channel Islands) ☐
- HM Forces ID Card (UK) ☐
- Fire Arms Licence (UK and Channel Islands) ☐

**Please Turn Over**

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### **Group 2b – Financial/Social History Documents**

- |  |                          |
|--|--------------------------|
| • Mortgage Statement (UK or EEA) **  | <input type="checkbox"/> |
| • Bank/Building Society Statement (UK or EEA)*   | <input type="checkbox"/> |
| • Bank/Building Society Account Opening Confirmation Letter (UK)   | <input type="checkbox"/> |
| • Credit Card Statement (UK or EEA)*   | <input type="checkbox"/> |
| • Financial Statement ** - e.g. pension, endowment, ISA (UK)   | <input type="checkbox"/> |
| • P45/P60 Statement **(UK & Channel Islands)   | <input type="checkbox"/> |
| • Council Tax Statement (UK & Channel Islands) **  | <input type="checkbox"/> |
| • Work Permit/Visa (UK) (UK Residence Permit) **   | <input type="checkbox"/> |
| • Letter of Sponsorship from future employment provider<br>(Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at time of application)   | <input type="checkbox"/> |
| • Utility Bill (UK)* – Not Mobile Telephone  | <input type="checkbox"/> |
| • Benefit Statement* - e.g. Child Allowance, Pension   | <input type="checkbox"/> |
| • A document from Central/ Local Government/ Government Agency/<br>Local Authority giving entitlement (UK & Channel Islands)*- e.g. from the<br>Department for Work and Pensions, the Employment Service, Customs &<br>Revenue, Job Centre, Job Centre Plus, Social Security | <input type="checkbox"/> |
| • EU National ID Card  | <input type="checkbox"/> |
| • Cards carrying the PASS accreditation logo (UK and Channel Islands)  | <input type="checkbox"/> |
| • Letter from Head Teacher or College Principal (16/17 year olds in full<br>time education - only used in exceptional circumstances when all other<br>documents have been exhausted)   | <input type="checkbox"/> |

**Please note:**

**If a document in the List of Valid Identity Documents is:**

Denoted with \* - it should be less than three months old

Denoted with \*\* - it should be issued within the past 12 months

Not denoted – it can be more than 12 months old

**List of Valid Identity Documents for DBS and Right to work in the UK**  
**(School evidence retained)**

Name of applicant: ..... Date: .....

Post Title: ..... DOB: .....

School: .....

Responsible Officer's signature (school): .....

**Can the applicant produce a Group 1 document?**

If yes, then the applicant must produce 3 documents:

- 1 document from Group 1 **and**
- 2 further documents from Group 1, 2a or 2b; one of which must verify the applicant's current address.

If no, then the applicant must produce:

- 3 documents from Group 2 comprising of;
  - 1 document from Group 2a; **and**
  - 2 further documents from Group 2a or 2b; one of which must verify the applicant's current address.

In exceptional circumstances if neither of the above options can be met then the applicant must produce

- Birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) **and**
- 4 further documents from Group 2 comprising of:
  - 1 document from Group 2a; **and**
  - 3 further documents from Group 2a or 2b; one of which must verify the applicant's current address.

**Group 1 – Primary Trusted Identity Credentials**

- Current valid Passport ☐
- Biometric Residence Permit (UK) ☐
- Current Driving Licence Photocard with Counterpart (Full or provisional) ☐
- Birth Certificate (UK and Channel Islands) - **issued at the time of birth;** ☐
  - Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces (Photocopies are not acceptable).
- Adoption Certificate (UK) ☐

**Group 2a – Trusted Government/State Issued Documents**

- Paper Driving licence (UK, Channel Island and EU full or provisional) ☐
- Photo Driving Licence (all countries full or provisional) ☐
- Birth Certificate (UK and Channel Islands) - **issued after the time of birth** by the General Register Office/relevant authority i.e. Registrars. (Photocopies are not acceptable) ☐
- Marriage/Civil Partnership Certificate (UK and Channel Islands) ☐
- Adoption Certificate (UK and Channel Islands) ☐
- HM Forces ID Card (UK) ☐

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

- Fire Arms Licence (UK and Channel Islands) ☐

### **Group 2b – Financial/Social History Documents**

- Mortgage Statement (UK or EEA) \*\* ☐
- Bank/Building Society Statement (UK or EEA)\* ☐
- Bank/Building Society Account Opening Confirmation Letter (UK) ☐
- Credit Card Statement (UK or EEA)\* ☐
- Financial Statement \*\* - e.g. pension, endowment, ISA (UK) ☐
- P45/P60 Statement \*\*(UK & Channel Islands) ☐
- Council Tax Statement (UK & Channel Islands) \*\* ☐
- Work Permit/Visa (UK) (UK Residence Permit) \*\* ☐
- Letter of Sponsorship from future employment provider (Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at time of application) ☐
- Utility Bill (UK)\* – Not Mobile Telephone ☐
- Benefit Statement\* - e.g. Child Allowance, Pension ☐
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security ☐
- EU National ID Card ☐
- Cards carrying the PASS accreditation logo (UK and Channel Islands) ☐
- Letter from Head Teacher or College Principal (16/17 year olds in full time education - only used in exceptional circumstances when all other documents have been exhausted) ☐

### **Please note:**

**If a document in the List of Valid Identity Documents is:**

Denoted with \* - it should be less than three months old

Denoted with \*\* - it should be issued within the past 12 months

Not denoted – it can be more than 12 months old



**RIGHT TO WORK DOCUMENTS****Legal Requirements**

The new **Immigration, Asylum and Nationality Act 2006** came into effect on 29 February 2008. This strengthened the requirement for employers to check documents to establish a person's eligibility to work in the UK and compliance with any restrictions. New civil penalties were introduced with fines up to £10,000 for each illegally employed worker and unlimited fines and imprisonment of up to 2 years for knowingly employing illegal workers.

**Checking the Right to Work**

Under the Act we are required to check eligibility to work in the UK for each new starter **before** they start work. You must therefore ask all candidates to bring proof of their right to work to interview and for you to check and take a copy. If they do not currently have the right to work, and need to apply for a work permit (before Nov 08) or a certificate of sponsorship (after Nov 08) they should note this on their application form and raise this at interview. You should then liaise with the appropriate contacts at Schools HR & Governor Support Service or Operational HR Service.

**Operational HR Shared Services**

Kate Moore	01706 925196
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**Schools HR Service**

Gill Windsor, Schools Business Partner	01706 925184
Abbie Walker, Schools Business Partner	01706 925161
Claire Heap, School HR Officer	01706 925179
Katie Barnes, School HR Support Officer	01706 925169
Alison Aspinall, School HR Support Officer	01706 925194

For the successful candidate you will sign and date the copied documentation, confirming you have seen the original and forward to **Operational HR Services** with the starter information. For unsuccessful candidates you must shred and securely dispose of the documentation. If they forget to bring this documentation at interview you will ask them to bring the original to be checked before an offer can be made and contract sent. If the person is out of the country, or a distance from the School, they could send the documents by registered post or get a notary to sign that they are a certified copy.

**What is Proof?**

On the following pages, information is given on what is acceptable proof, with example documents, stamps etc.

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### LIST A

#### Single documentation:

- A passport showing that the holder is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.

*Passport:*

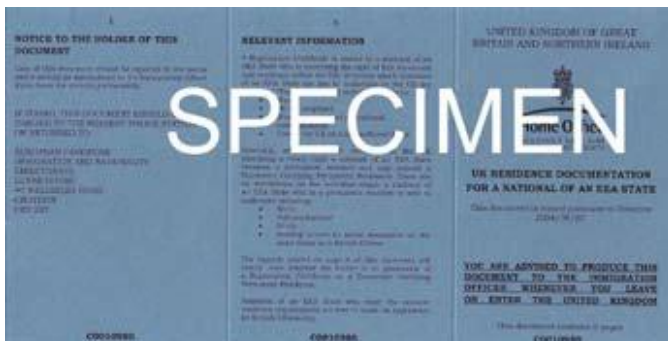


*Right of Abode sticker:*



- A passport or national identity card showing that the holder is a European Economic Area (EEA) or Swiss national.
- Residence permit, registration certificate or Home Office or Border Agency document indicating rights of permanent residence to an EEA or Swiss national or family member

*EEA document:*

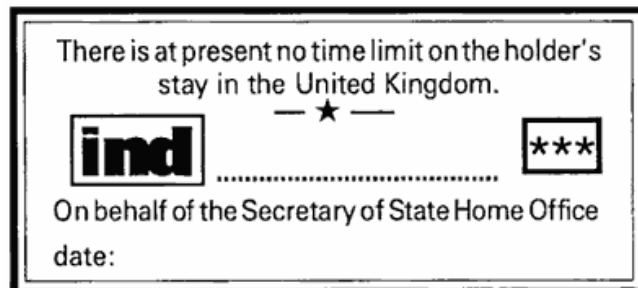
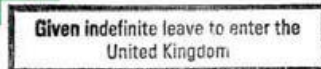


*Swiss document:*



## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

- A passport, biometric ID card or other travel documents indicating the holder is exempt from immigration control, is allowed to stay indefinitely in the country or has no time limit on their stay.



### Combination documentation:

- P45, P60, NI number card or letter from an approved Government agency. (Please note that a National Insurance number does not automatically indicate that the individual is eligible to work, and is not sufficient evidence), plus:

*P60:*



## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

P45

NI card



- Immigration Status Document (ISD) with indefinite leave to remain, or

Copy all relevant parts of the Immigration Status Document ISD:



- Full UK, Channel Islands, Isle of Man or Irish birth certificate, or UK:

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### Jersey:

EXTRACT FROM THE REGISTER OF BIRTHS  
OF the Parish of \_\_\_\_\_, in the Island of Jersey

No.	Name and Surname of Birth	Christian Name of Birth	Sex	Date and Place of Birth	Place and Name of Hospital or Maternity	Place of Birth	Signature, Name and Rank of Midwife	Place of Birth	Signature of Registrar	Signature of Registrar
<b>SAMPLE</b>										

Number of the Birth is \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the Island of Jersey.

When the Birth is \_\_\_\_\_ at \_\_\_\_\_

Registrar

### Isle of Man:

Isle of Man  
CERTIFICATE OF BIRTH  
Issued under the Births and Deaths Registration Act 1903

No.	Name and Surname of Birth	Christian Name of Birth	Sex	Date and Place of Birth	Place and Name of Hospital or Maternity	Place of Birth	Signature, Name and Rank of Midwife	Place of Birth	Signature of Registrar	Signature of Registrar
<b>SAMPLE</b>										

Number of the Birth is \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the Island of Jersey.

When the Birth is \_\_\_\_\_ at \_\_\_\_\_

Registrar

### Irish:

Irish Republic  
Birth Certificate  
Issued under the Births and Deaths Registration Act 1903

No.	Name and Surname of Birth	Christian Name of Birth	Sex	Date and Place of Birth	Place and Name of Hospital or Maternity	Place of Birth	Signature, Name and Rank of Midwife	Place of Birth	Signature of Registrar	Signature of Registrar
<b>SAMPLE</b>										

Number of the Birth is \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the Island of Jersey.

When the Birth is \_\_\_\_\_ at \_\_\_\_\_

Registrar

- Full UK, Channel Islands, Isle of Man or Irish adoption certificate, or

### UK

ADOPTION (GREAT BRITAIN) ACT, 1968  
EXTRACT FROM THE ADOPTED CHILDREN REGISTER

No. of Birth	Name and Surname of Birth	Christian Name of Birth	Sex	Date and Place of Birth	Place and Name of Hospital or Maternity	Place of Birth	Signature, Name and Rank of Midwife	Place of Birth	Signature of Registrar	Signature of Registrar
<b>SAMPLE</b>										

Number of the Birth is \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the Island of Jersey.

When the Birth is \_\_\_\_\_ at \_\_\_\_\_

Registrar





## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

### Letter issued by the Home Office or UK Border Agency indicating indefinite leave



to remain

### LIST B

#### Single documentation:

- Passport or travel document endorsed for specific types of work, provided a CoS is not required
- Biometric Immigration document indicating the person is permitted to stay in the UK and do the work in question
- A residence card or document issued to a family member of a EEA or Swiss national

#### *Residence cards / documentation*



<b>RESIDENCE DOCUMENTATION</b>		<b>UKF0019163</b>
Name <b>SAMPLE, SALLY</b>		
Valid Until 30 NOV/NOV 91		
Place, Date of Issue CROYDON, 30 NOV/NOV 91		
Type of Residence Card Family Member of an EEA National		
Date of Employment and Business Activities Allowed	O1 JAN/JAN 97	P: BGR

**SAMPLE**

VRGBRSAMPLE<<SALLY<<<<<<<<<<<<<<<<<<<  
 7414158<<4BGR6701011F111307<<<<<<<<<<

1. **\*\*A certificate of sponsorship plus passport, Immigration Status Document (ISD) or other travel document indicating entry clearance / leave to remain. *The Certificate of Sponsorship (CoS) cannot be checked at interview. If the candidate needs certificate of sponsorship they should flag this up on the application form and at interview***

Personal Details	
Full Name	SURNAME, FORENAME(S)
Nationality	NATIONALITY
Date of Birth	DATE OF BIRTH
Place of Birth	PLACE OF BIRTH
Gender	MALE/FEMALE
Case ID	CID CASE ID



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## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

An Application Registration Card issued by the Home Office or the Border Agency stating that the holder is permitted to take employment (applies to a limited number of asylum seekers). This must be checked by the Border Agency Employer checking service.

### Registration Card



There is a new generation of ARC Application Registration Card, which will be issued shortly. The “Employment Permitted” wording printed on the ARC will be replaced with ‘Allowed to Work’ and the ‘Employment Prohibited’ wording printed on the card will be replaced with ‘Forbidden from Taking Employment.’

3. P45, P60, NI number card or letter from an approved Government agency **plus** ISD giving limited leave to remain or Letter from the Home Office or Border Agency confirming limited leave to remain

### P60

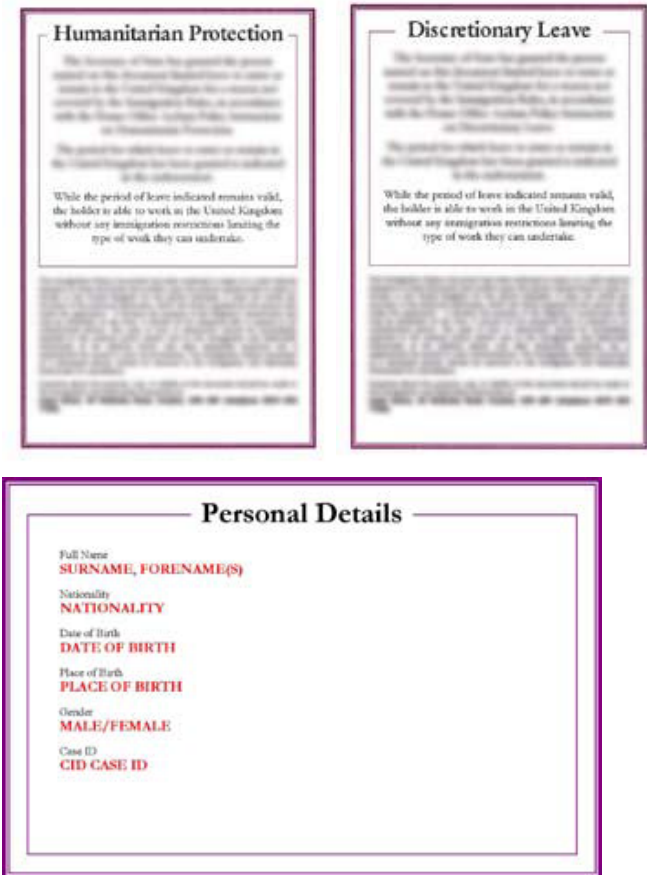
### P45

### NI card

RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE



Plus:



[illegible][illegible]

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## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

Code
The holder has leave to enter/remain that was granted on ..... by ..... and expires on

If someone presents this ink stamp to you in their passport, you should require them to produce their previous passport containing their previous leave so you can be sure that they are permitted to take the employment you are offering.

### NOT ACCEPTABLE

#### Asylum Seekers

Those asylum seekers who have been awarded refugee status or leave to stay here under a form of temporary protection, will not usually possess a national passport endorsed with leave to enter or remain in the UK.

In certain circumstances, they are able to apply to the Home Office for a travel document. Examples of the three Home Office travel documents are pictured below.

#### *Travel or identity documents*



Other non EEA nationals:

Any non-EEA national who has the following endorsements in their passport is not able to work in the UK.

Leave to enter the United Kingdom on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds and does not enter or change employment paid or unpaid without the consent of the Secretary of State for Employment, and does not engage in business or profession without the consent of the Secretary of State for the Home Department is hereby given for/until

--	--

The holder is required to register at once with the police.

Leave to remain in the United Kingdom, on condition that the holder maintains and accommodates himself and any dependants without recourse to public funds, does not engage in employment paid or unpaid and does not engage in any business or profession, is hereby given	
until .....	
..... on behalf of the Secretary of State Home Office	
Date .....	

LEAVE TO ENTER FOR SIX MONTHS:  
EMPLOYMENT AND RECOURSE TO  
PUBLIC FUNDS PROHIBITED



[illegible]

**If you do not have automatic permission to work in the UK you may still be able to apply for a certificate of sponsorship under the new points based immigration system. This replaces the previous system of applying for a work permit from November 2008.**

### Criteria for issuing a CoS:

- **The job is in a ‘designated shortage’ occupation**
- **It passes the Resident Labour Market Test (RLMT)**
- **The job is at S/NVQ3 level or above**
- **Minimum salary levels**

**For more detailed information about working in the UK please go to the UK Border Agency website <http://www.ind.homeoffice.gov.uk/workingintheuk/>.**

Workers from EU Accession States. You can move and live freely in any European Union (EU) member state as a European Economic Area (EEA) national. You do not need permission to enter or remain to live in the United Kingdom. You will normally have to register under the Worker Registration Scheme if you wish to work for an employer in the United Kingdom for more than one month and are a citizen of:

- Czech Republic;
- Estonia;
- Hungary;
- Latvia;
- Lithuania;
- Poland;
- Slovakia; or
- Slovenia.

You must register within one month of starting work. Once you have been working in the United Kingdom legally for 12 months without a break in employment, you will no longer have to register on the Worker Registration Scheme. You can then obtain a residence permit confirming your right to live and work in the United Kingdom.

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### Bulgarian and Romanian Nationals

You can move and live freely in any European Union (EU) member state as a European Economic Area (EEA) national. You do not need permission to enter or remain to live in the United Kingdom. If you want to work in the United Kingdom you will need to apply for an accession worker card, and we will have to apply for a work permit / certificate of sponsorship. If you are a Bulgarian or Romanian national please flag this up on your application form and at interview.

For further information, including any exemptions go to the website <http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/>

**Conditional Offer Letter**

Dear

**APPOINTMENT TO THE POST OF [INSERT POST TITLE]**

I am writing with reference to your interview for the above post and can confirm the conditional verbal offer made to you by the recruitment panel. This offer is conditional on DBS, **Childcare Disqualification disclosure (if applicable)** and medical clearance (if applicable), receipt of satisfactory references and the absence of a successful recruitment complaint.

**Insert if appropriate forms have not been completed**

Please ensure that you complete this documentation immediately as any delay will be reflected in your commencement date. **Please return in the envelope provided.**

An electronic disclosure and barring application will be sent to you via your e-mail address which you provided as part of the recruitment process. The DBS link will be sent to you by the schools HR Service in order for you to apply. Once you have completed the electronic form please submit to the Disclosure & Barring Service for processing.

Once your background check has been completed, you will receive a disclosure and barring certificate. If the disclosure is clear you do not need to present your certificate to the school. If you have a positive disclosure regarding your criminal history you are required to take your DBS certificate to HR Service, Number One Riverside for the attention of the HR Operational Team within 7 days of its receipt.

If you do not have access to a computer or an e-mail address, then you will need to request a paper application form. Once you have completed the form please return it to the school for processing.

If you have a current DBS certificate and are subscribed to the DBS Update Service, with your permission we are able to carry out an online check. Please contact \_\_\_\_\_ on \_\_\_\_\_ to provide further detail and make arrangements for the Schools HR Service to view your current certificate.

*(Where no/insufficient DBS ID documents were produced at interview, include the following paragraph).*

In order to process your DBS Disclosure Application Form, it will be necessary for you to call into the school with evidence of identification as detailed in the DBS guidance notes. Please note that original documents are required, as photocopies are not acceptable. The original documents will be copied by us and the originals returned to you.

*(Where the only outstanding DBS ID document missing is confirmation of current address, include the following sentence).*

Please could you send us one document (e.g. utility bill, bank statement) dated within the last three months, showing your current name and address.

Your formal contract of employment will be issued once all checks have been made and satisfactory results obtained. Your start date will be agreed once all the relevant checks have been completed.

Your salary will be in accordance with [INSERT SALARY SCALE/GRADE, POINT AND ACTUAL SALARY]

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

If you have any queries, please do not hesitate to contact [INSERT NAME AND NUMBER]

Finally, I would like to take this opportunity to wish you success in your employment with us.

Yours sincerely

Headteacher

\_\_\_\_\_ School



## EMPLOYMENT DATA REFERENCE REQUEST FOLLOWING APPOINTMENT

**CONFIDENTIAL REPORT ON THE SUITABILITY OF AN  
APPLICANT FOR THE FOLLOWING POST:**

<b>Applicants name</b>	INSERT APPLICANTS NAME BEFORE SENDING
<b>Post appointed to</b>	INSERT POSITION DETAILS BEFORE SENDING
<b>School</b>	INSERT SCHOOL DETAILS BEFORE SENDING

**To be completed by the referee:**

Current post	
Dates of employment	
In what capacity	

**Health and attendance record:** Please provide details of the **number of occasions** over the last 3 years when the applicant has been absent through illness and the **total number of days** involved:

[illegible]

## RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE

Health and attendance record – any other relevant information:

SALARY INFORMATION	
Please provide salary information at the employees termination date:	
Salary point (where applicable)	
Salary (Please provide substantive salary details where temporary additional payments are being made)	
Allowance	
Value	

REFEREE DETAILS	
Name of person making recommendation/completing employer reference	
Position/how you know the applicant	
Job title	
Contact details (telephone and email)	

**DECLARATION**

**I declare that the contents of this reference accurately reflect the applicant's abilities and suitability for the position. I understand this reference may be shared with the applicant and that I may be contacted to discuss the contents further.**

**Signed:**\_\_\_\_\_

**Dated:**\_\_\_\_\_

**WITHDRAWAL OF CONDITIONAL OFFER**

Dear

**APPOINTMENT TO THE POST OF [INSERT POST TITLE] - WITHDRAWAL**

I write with reference to my letter dated [INSERT DATE OF CONDITIONAL OFFER LETTER] offering you the above mentioned position subject to the receipt of satisfactory clearances.

I have discussed with you my concerns regarding the [INSERT THE CONCERNS THE EMPLOYER HAS WITH THE EMPLOYEE]

I must now inform you that in accordance with the schools Recruitment and Selection Code of Practice, as a satisfactory [EXPLAIN WHICH PRE-EMPLOYMENT CHECK] has not been obtained I regret that I am not able to confirm the offer of appointment. Accordingly the offer of appointment to the post of [INSERT POST TITLE] is now withdrawn.

Yours sincerely

Headteacher  
\_\_\_\_\_ School

**COMPLAINTS PROCEDURE GUIDANCE NOTES**

**1. Informing candidates of the procedure**

1.1 The school will need to demonstrate its commitment to ensuring equality of opportunity for its entire workforce. The school should take all possible steps to deal with any complaint of discrimination or less favourable treatment on whatever grounds, relating to opportunities for employment within its workforce.

1.2 The complaints procedure will deal with complaints arising from breaches of the Recruitment & Selection Code of Practice. The policy should apply equally to existing employees and those who are not currently in the employment of the school/Authority or who are involved as interviewers or applicants.

1.3 Reference to the schools Recruitment & Selection Complaints Procedure should be made in any recruitment literature sent out to potential candidates.

1.4 Candidates should be informed that any complaint must be logged with the Chair of Governors within 5 days of the incident.

1.5 A copy of the Complaints Procedure should be held in a central information point in the school, available for reference by all members of staff.

**2. Guarding against complaints**

2.1 The best safeguard against any recruitment complaint is for the governing body to adopt and adhere to the Recruitment and Selection Code of Practice.

2.2 The document highlights the practice which should be followed if governors are to comply with Education and Employment legislation and ensure that the potential for discriminatory practice is minimised.

2.3 Governors involved in the recruitment and selection of staff should be mindful of the need to closely follow the Recruitment and Selection Code of Practice and to clearly document decisions taken at all stages of the recruitment process in case they are called to give evidence in response to a complaint.

**3.1 Guidance on the application of the Complaints Procedure**

**3.1 Initial Stages.**

3.1.1 All complainants need to feel assured that they will not be victimised or treated less favourably than other applicants in future recruitment exercises. Governors involved in the recruitment and selection process, therefore, need to be mindful of this and ensure that all applicants are treated on an equal basis.

3.1.2 The Chair of Governors will pass any recruitment complaint to a member of the Governing Body with the exemption of the recruitment panel, for investigation as a matter of urgency.

3.1.3 The governor with lead responsibility for investigating the complaint will first of all consider whether or not there is a prima facie case to investigate. If so, he/she will immediately inform the Chair of the recruitment panel of the complaint and ensure that all further steps in the recruitment procedure are suspended. The Local Authority should be informed so that any

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

successful applicant can be told their appointment has been suspended pending the outcome of the complaint.

3.1.4 In this connection, it should always be made clear at interview that the firm offer will be made in writing and in no circumstances should the applicant take any action in respect of resigning from an existing contract pending receipt of the written offer of employment.

3.1.5 The Chair of Governors will write to the complainant acknowledging receipt of the complaint, the appointment of the lead Governor and timescales for completion (Appendix 1).

### **3.2 The investigation**

3.2.1 The governor with lead responsibility can be supported by one other governor independent of the original recruitment process. The lead governor will undertake the investigation by:-

- (i) reference to all papers relating to the short-listing and interview process, including the questions asked, candidates' responses, and any scoring of candidates;
- (ii) interviewing all members of the selection panel involved in the selection process, making reference to the particular elements of the complaint.

3.2.2 Members of the selection panel may seek advice from Schools HR regarding the complaint and/or the investigatory process.

3.2.3 The complaint should be investigated within 20 days of its receipt. Where the interviewing process has been completed and a verbal offer made, the investigation should be completed as a matter of urgency.

3.2.4 In the case of a delay in the investigation the complainant should be informed, in writing, of the reasons and the date by which it is proposed to complete the investigation.

### **3.3 Investigation Completion**

A factual report will be produced by the lead governor investigating the complaint which should contain:-

- (i) the name of the complainant;
- (ii) the dates on which the complaint was:
  - (a) received
  - (b) acknowledged
- (iii) the detail of the complaint including a factual narrative setting out the chronological sequence of events and actions which gave rise to the complaint;
- (iv) details of the investigation process and the opinions/conclusions drawn;
- (v) recommendation(s) for action.

3.3.2 The governor with lead responsibility for the investigation should make available the factual report referred to above to the complainant and the selection panel.

### **3.4 Recommendations**

3.4.1 The governor(s) undertaking the investigation may recommend any action considered appropriate taking account of the facts of the case adherence to the Recruitment and Selection Code of Practice.

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

Examples of recommendations include (NB: This list is not exhaustive):

- (i) requiring governors to undergo training in fair recruitment and selection prior to being involved in recruitment again;
- (ii) interviewing the complainant, without prejudice;
- (iii) repeating the short-listing and interview process for all applicants.

Example (iii) is dependent upon an offer of appointment not already being confirmed. Written offers of employment to candidates should normally be honoured. If a written offer has already been made governors may wish to seek advice from Schools HR & Governor Support Service on a way to proceed.

### **3.5 Retention of records**

3.5.1 All documents relating to a complaint should be properly filed and retained under confidential cover for a period of 12 months from the date of final completion, after which they should be destroyed.

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

### **COMPLAINTS PROCEDURE**

#### **1. The scope of the procedure**

1.1 This procedure sets out how complaints arising from breaches of the school's Recruitment and Selection Code of Practice are dealt with. It is intended to apply equally to existing and prospective employees.

1.2 In respect of current employees nothing prevents you from pursuing your rights through local or national procedures.

If you feel, regardless of whether or not you are a current or prospective employee, you have been treated less favourably because of your race, colour, age or sex, there is provision under the Equality Act 2010 to make such complaints to Employment Tribunals.

1.3 Nothing contained in this procedure is intended to remove your rights to make a complaint or subsequently to withdraw an allegation of discrimination or unfair treatment.

1.4 You are assured that you will not be victimised or otherwise treated less favourably than any other employee, or prospective employee, and that you will not be discriminated against, or unfairly treated, in relation to future job applications if you make a complaint or give evidence in any case of complaint.

1.5 Any complaint should be lodged within 5 days of the date of the short-listing, interview or offer of appointment being made.

#### **2. Initial Stages**

2.1 You may wish, first to take the opportunity to talk, in complete confidence, with your Association/Union Representative in order for you to discuss and clarify the implications of making the particular complaint. Your Association/Union Representative will be able to be involved at all stages of the procedure on your behalf but not as an investigating officer.

2.2 If you are not currently employed to work at the school or with the Local Authority you may wish to consult with a voluntary advisory body, eg Citizens Advice Bureau, Equality and Human Rights Commission.

2.3 Any formal complaint should be in writing and should be addressed to the Chair of Governors who will pass it on to a governor taking lead responsibility in the investigation of your complaint.

2.4 The governor with lead responsibility for the investigation will consider if there is a prima facie case to investigate. If so, he/she will immediately inform the Chair of the recruitment panel of the complaint and will ensure that all further steps in the recruitment procedure in respect of that post are suspended, pending the outcome of the investigation of the complaint. The Local Authority will similarly be informed at this point and any successful applicant will be told that his/her appointment has been suspended pending the outcome of the complaint.

2.5 Normally, where a confirmed written offer of appointment has been made, that offer will be honoured.

2.6 The governor with lead responsibility for the investigation will acknowledge the complaint in writing.

#### **3. Investigation**

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

3.1 The complaint should be investigated within 20 days of its receipt. In case of a delay you will be informed of the reasons and will be given an indication of the date by which it is proposed to complete the investigation.

3.2 At all stages, you may be represented, if you so wish, and if you are already employed by the school/Local Authority, by either an Association/Union Representative or a fellow employee respectively.

### **4. Investigation Completion**

4.1 A statement of the findings, decision and recommendation(s) will be made available to you on completion of the investigation.

### **5. Recommendations**

5.1 The governor undertaking the investigation may recommend one or more of the following courses of action:-

- (i) if the complaint is found to be unjustified the governor will recommend that no action is taken;
- (ii) if the complaint is found to be justified/proven the governor may recommend one or more of the following actions:-
  - (a) the relevant governor(s) may be required to undergo training in Recruitment and Selection before being involved in recruitment procedures again;
  - (b) if an appointment has not already been confirmed the selection panel may be instructed to either:-
    - (1) interview the complainant, without prejudice; and/or
    - (2) repeat the short-listing and interview processes for all applicants.

### **6. Timescales**

6.1 You should lodge your complaint within 5 days of the incident since after a greater lapse of time investigation becomes difficult and remedial steps are likely to be less effective.

6.2 The process will normally be completed within 20 working days of the receipt of the complaint. Where the interviewing process has been completed and a verbal offer made, the investigation will be completed as a matter of urgency.



**Model Letter acknowledging a recruitment complaint**

Dear

**RECRUITMENT COMPLAINT**

I am writing to acknowledge receipt of your letter of complaint regarding the process of recruitment to the post of [INSERT POST TITLE]

Please find attached a copy of the procedure to be followed in the investigation.

A Governor (s) independent of the recruitment process will investigate your complaint and a report should be available within the next twenty days. You will be informed if, for any reason, there is a delay in the investigative process. Appointment to the post has been suspended pending the outcome of the investigation.

Yours sincerely

Chair of Governors/Clerk to the Governing Body  
\_\_\_\_\_ School

**Model Letter in response to a recruitment complaint**

Dear

**RECRUITMENT COMPLAINT**

I am writing in response to your letter dated [INSERT DATE OF LETTER] in which you outlined your complaint regarding the process of recruitment to the post of [INSERT POST TITLE]

On completion of the investigation I have concluded that your complaint be upheld/disallowed for the following reasons

Please find attached a report which outlines the investigation and any my recommendation(s) for action

- 
- 
- 

Chair of Governors

\_\_\_\_\_ School

**SCHEDULE FOR APPEAL HEARING**

1. The Appeals Committee will not normally consist of less than 3 members of the school's Governing Body (excluding any members of staff of the school). Where this is not reasonably practicable, the Appeals Committee may consist of two members (excluding members of staff of the school). A member of the HR & Governor Support Service may be in attendance to support the panel.
2. The employee will be given a minimum of 14 calendar days' advanced notice of the hearing; informed, by the clerk to the Appeals Committee of Governors, in writing, of the purpose of the hearing, the allegations and a list of witnesses to be called by the Management Representative. The employee will also be supplied with copies of any documents to which it is intended to refer, and be advised of the right to be accompanied at the hearing by a Trade Union/Teachers' Association representative or a work colleague of his/her choice if he/she wishes, but by no-one else.
3. Not less than 7 calendar days in advance of the hearing the employee (or his/her representative) shall send to the Clerk of the Appeals Committee copies of any documents that he/she intends to refer to at the hearing, together with a list of witnesses that he/she intends to call.

4. Appeals Procedure to be followed:

Employee to present their case first, as follows:

The procedure to be followed at the appeal hearing:-

- (i) Employee (or his/her representative) to put his/her case based on the grounds of appeal submitted.
- (ii) Employee to call any witnesses.
- (iii) The decision maker from the recruitment panel to ask questions of the employee (and/or his/her representative) and witnesses.
- (iv) The Appeals Committee to ask questions of the employee (and/or his/her representative) and witnesses.
- (v) Employee's witnesses to withdraw from proceedings, if applicable.
- (vi) The decision maker from the recruitment panel to put his/her case in response to the grounds of appeal provided.
- (vii) The decision maker from the recruitment panel to call witnesses.
- (viii) Employee (or his/her representative) to ask questions of the decision maker from the recruitment panel and witnesses.
- (viii) The Appeal Committee to ask questions of the decision maker from the recruitment panel and witnesses.
- (x) Management representative's witnesses to withdraw from proceedings, if applicable.

## **RECRUITMENT AND SELECTION POLICY - CODE OF PRACTICE**

- (xi) Employee (or his/her representative) to summarise their case.
  - (xii) Decision maker from the recruitment panel to summarise their case.
  - (xi) All parties to withdraw whilst Appeals Committee deliberates.
6. The Chair of the Appeals Committee may adjourn the proceedings at any stage if this appears necessary or desirable. If adjourned for the purpose of enabling further information to be obtained, he/she will specify the nature of that information. Any adjournment will normally be for a stated period.
  7. Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken, both parties shall be recalled. If a member of the HR & Governor Support Service is in attendance to support the panel then, he/she shall remain during the relevant Committee's deliberations.
  8. On completion of the Appeals Committee's deliberations, the Chair will normally announce the decision. The Appeals Committee may uphold or disallow, or partially uphold the appeal.
  10. The decision of the Appeals Committee of the Governing Body will be confirmed to all parties in writing. No further right of appeal will be available to the employee under this procedure.

**APPENDIX12(d)**

**INVITE TO APPEAL HEARING MODEL LETTER**

Dear

**APPEAL HEARING**

Further to your appeal letter dated (insert date) I am writing to inform you that an appeal hearing against your complaint being disallowed has now been arranged. The date of the appeal hearing is (insert date) at (insert name of school) at the school.

Please find the enclosed documents submitted by the investigating officer which includes a copy of the order of proceedings.

If you wish to submit any documentary evidence or call witnesses to the appeal hearing, you are required to submit details for the attention of the Clerk to the Governors, c/o (name of contact) no less than 7 calendar days prior to the appeal hearing.

You are advised that you may, if you so wish, have a Teacher Association/Trade Union representative or a work colleague present at the hearing but no one else.

Additional copies of the documentation have been attached in order that you may pass them to your representative if you so wish.

Please note that the decision of the Appeal Committee is final.

Yours sincerely

**APPENDIX 12(e)**

**APPEAL HEARING OUTCOME LETTER**

Dear

**APPEAL HEARING OUTCOME**

Further to the Appeal Committee hearing on (date of meeting) I confirm that the Committee has considered your appeal.

The Appeals committee decision is, that after careful consideration, to:

Option 1 (delete as necessary)

allow your request.

Option 2 (delete as necessary)

not allow your request therefore (insert any final statement).

The decision of the Appeal Committee is final.

Yours sincerely

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Revised April 2015**