

**Safer Recruitment & Selection**  
**Policy and Guidance**  
**- All Staff In Schools**

**Revised August 2012**



In Support of  
Learning



HR and Payroll  
Service

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## **Status of document**

This policy document has been agreed between Warwickshire County Council (WCC) and the Warwickshire branches of the teachers' professional associations and support staff trade unions:

National Union of Teachers  
National Association of Schoolmasters/Union of Women Teachers  
Association of Teachers and Lecturers  
National Association of Head Teachers  
Association of School and College Lecturers  
Voice  
UNISON  
GMB  
UNITE

**Agreed by Professional Teaching Unions and Support Staff Unions – June 2008 /  
Revised June 2012 following consultation with unions.  
Equality Impact Assessment – September 2008**

This policy document applies to community, voluntary controlled, community special and maintained nursery schools.

It is recommended to Governing Bodies of voluntary aided and foundation schools who purchase WCC's WES HR Advisory Service for adoption.

(If purchasing WCC's WES HR Advisory Service), it is also available for Academies as a framework but they will need to seek agreement by their Governing Body following individual consultation and agreement with recognised trade unions.

## INTRODUCTION

People are the most important asset of any organisation and considerable time and effort is necessary to ensure that the right person is recruited for the job. In schools, as with any other organisation, a “poor” appointment is costly both in terms of reduced efficiency as well as any remedial action.

When recruiting, it must be remembered that the exercise is part public relations since it is not only the vacancy that is in the public domain but also the school as a whole.

Safer recruitment is one strand of safeguarding and promoting the welfare of children and schools must ensure that they have effective safeguarding systems in place. This document reflects the legislative requirements in the area of safeguarding and safer recruitment and it should be read in conjunction with the DFES Guidance “Safeguarding Children and Safer Recruitment in Education” ( 1 January 2007).

There are other significant pieces of legislation impacting upon the recruitment and selection process of which those embarking upon the process should be aware. Details of the legislation can be found in **Section 13.0** of these procedures.

The consequences of poor recruitment and selection practices include the wrong appointment, risks to children and young people, poor job performance, higher staff turnover, increased workloads on those staff remaining and staff retention issues.

The recruitment and selection process is best handled by having established systems in place, appropriate to the size and nature of the school. These systems should be:

- **Effective** – providing sufficient suitable candidates and distinguishing accurately between the suitable and unsuitable
- **Fair** – maintaining the school’s and the Local Authority’s (LA) good name with both existing and potential employees by acting fairly, honestly and courteously
- **Legal** – ensuring that the spirit and the letter of the law is adhered to
- **Efficient** – providing high-quality candidates cost effectively and when required
- **Safe** – ensuring safe employment policies and procedures which provide a safer environment for children and young people to learn in schools

This document has been produced by WES HR and is a framework to help you achieve the above requirements when recruiting and selecting staff to the school.

Governing Bodies must ensure that any person who interviews an applicant for any post has completed the safer recruitment training or, where a selection panel or group is appointed for that purpose, at least one member of that panel or group has completed the safer recruitment training (ref: The School Staffing (England) Regulations 2009). Details can be found at The Department for Education's website:  
[www.education.gov.uk/childrenandyoungpeople/safeguardingchildren](http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren)

Schools are reminded that they are required to monitor their recruitment and selection of staff against all of the equality monitoring standards.

If, at any stage of the process, those responsible for recruitment and selection are uncertain about how to proceed, it is strongly recommended that they contact their HR Service provider for advice and guidance.

# **SECTION 1**

## **1.0 When a Vacancy Occurs**

### **1.1 Decide whether to fill the vacancy**

When a vacancy arises, you should consider whether or not it is necessary to recruit a direct replacement, taking into account the integrated school development plan and the school's agreed staffing structure. Considerations may include:

- is the job still needed in its present format, for example, are pupil numbers falling, or is a re-organisation of the staffing structure a necessity/possibility?
- what are the school's curriculum needs?
- is there sufficient money in the budget for the post in its current format?
- what are the implications of not filling the vacancy?
- could flexible working arrangements such as part-time or job share be offered?
- would it be better to reallocate tasks to others? If so, those affected should be fully consulted with their workloads taken into account
- are any changes to the job role anticipated which will require additional or different skill sets and will they have any salary/grade implications?
- does the job have an uncertain future - should it be made as a temporary or fixed-term appointment? (If so, please see the Guide and Code of Practice on Fixed-term Contracts produced by WES [HR](#))
- does the post need to be filled on an interim basis pending recruitment at a later date?

### **1.2 Church Schools**

When a church school is appointing staff it must consider the needs of the Foundation. In particular, two aspects of school life must be safeguarded and respected by all appointments:

- that there is a relationship with the local church and diocese through the foundation governors and the ethos of the school; and
- that religious education in school contains teaching about Christianity.

### **1.3 Supply Cover**

Supply cover needs can be met by a reputable supply agency or by engaging supply staff directly. The suitability of an agency should be assessed on the following basis:-

- i) Their approach for safeguarding: ensure that the agency has processes in place that ensure that CRB, medical, Asylum/Immigration, qualification and reference checks are being undertaken before the supply worker starts work and that the agency will supply the necessary details for the Single Central Record.
- ii) Value for money.
- iii) Expectations of teachers in terms of issues like behaviour on site, marking etc.
- iv) Support offered by the agency and process for complaint resolution.
- v) Ease/accessibility of service.

When engaging a supply worker directly, the school will be responsible for ensuring that it obtains a completed application form and carries out all pre- employment checks including satisfactory written references, medical clearances, qualification checks and a valid CRB **prior** to the worker commencing their assignment.

The Agency Workers Regulations (effective from 1<sup>st</sup> October 2011) provide temporary agency workers with the right to equal treatment in terms of basic working and employment conditions as if they had been employed directly by the hirer to do the same job. In practice, this will mean that some agency workers will become entitled to the same basic working terms and conditions as comparable employees. The hirer will need to identify what the equivalent permanent employee would be paid and give this information to the agency. For further information regarding the Agency Worker Regulation and how it can affect you as an employer, go to :

[www.legislation.gov.uk/ukxi/2010/93/introduction/made](http://www.legislation.gov.uk/ukxi/2010/93/introduction/made).

WCC's guidance on Agency Workers (Oct 2011) is available on the WES HR website, under Recruitment.

#### **1.4 Duty to Inform the Local Authority (under the School Staffing (England) Regulations 2009)**

Governing Bodies of all maintained schools must notify the Local Authority (in Warwickshire, this is the appropriate Head of Service for Schools, currently known as Head of Service – Learning and Achievement) of:

- Any vacancy for a head teacher post
- Any vacancy for a deputy head teacher post

The Governing Body must also provide the Local Authority with:

- a specification for any teaching post that is to be filled (for more than 4 months duration)

Governing Bodies of community, voluntary controlled, community special and maintained nursery schools must provide the Local Authority with:

- The name of any person it recommends for appointment

- A job specification for the post (to include : duties, hours, duration of appointment, grade and remuneration)

**The above requirements apply irrespective of whether or not the school purchases WCC's HR services.**

## **2.0 Appointing a Selection Panel**

### **2.1 Responsibility for Appointment**

The School Standards and Framework Act (SSFA) 1998 and the Education Act 2002 state that whilst the LA is the employer of staff in community/ voluntary controlled/ community special and maintained nursery schools, the governing body has overall responsibility for all appointments within the school.

The governing body of voluntary aided, foundation, trust, and foundation special schools are, in general, the employers of the school's teaching and non-teaching staff (although the LA may employ non-teaching staff directly if the governing body agrees). The LA does not have an automatic statutory right of attendance at appointment proceedings but the governing body may invite the LA to attend and give advice if it so wishes.

The governing body of a maintained school can delegate the power to appoint any member of staff outside of the leadership group (ie. Head teacher, Deputy Head teacher and Assistant Head teacher) to:

- the Head teacher
- one or more governors (with the right of the Head teacher to advise)
- one or more governors and the Head teacher

Other than in exceptional circumstances, governors should delegate the responsibility for appointment decisions and the lead role to the Head teacher. Whilst the Head teacher would normally be responsible for the appointment of all support staff in a school, the governing body may wish to be involved in the appointment process for some senior support staff roles, e.g. Bursars and Business Managers.

### **2.2 Composition of the Selection Panel**

Selection panels will vary in size and composition depending on the post. It is important to have all appropriate persons, who are suitably trained and briefed, on the panel but without making it excessively large.

**N.b. selection panels for Headteacher and deputy headteacher appointments must consist of at least three members.**

Wherever possible, the panel undertaking any interview should:

- (other than for Headteacher or deputy headteacher appointments )  
comprise of between two and four members, including the line manager of the vacant position
- be representative of the local community in terms of race and balanced in terms of gender and age
- be representative of the governing body, for example, in the case of Head teacher appointments
- include at least one person who has received safer recruitment training (a mandatory requirement)
- prior to embarking on the process, the panel should be clear as to how the decision will be made, e.g. determine who will have the final say if there is disagreement, or must it be a unanimous decision.

Whilst the involvement of staff governors in selection procedures is to be encouraged, be mindful of the sensitivity relating to the post being recruited to, in particular their role and decision making capacity within the process. For example, the involvement of a particular staff governor could lead to a conflict of interests.

### **2.3 The Role of the Selection Panel**

The selection panel will be responsible for all stages of the appointment, from the job description/person specification through to the interview and it is good practice for all members of the panel to attend all meetings relating to that appointment. The selection panel has a duty to:

- shortlist
- interview appropriate candidates
- following the interviews, meet to decide the outcome of the selection process and recommend to the governing body one of the candidates for appointment; and
- (in community, vc, community special and maintained nursery schools), where the above recommendation is approved, recommend the applicant to the LA for appointment.

The LA (or Governing Body) should appoint the recommended candidate unless he/she fails to meet the requirements relating to qualification, capability and the Criminal Records Bureau (CRB).

If the selection panel or governing body cannot agree on a person to recommend, or if the recommended person fails to meet the qualification or capability requirements, the governing body has two options:

- to recommend the second highest scoring candidate; or
- to re-advertise the vacancy

## 2.4 Appointing to Head teacher Posts

The Local Authority may advise governors throughout the process of appointing a Head teacher and this can include advice on recruitment and selection procedures, salary grading, conditions of service, contracts, job descriptions and person specifications. Participation in and support with shortlisting, interviews and candidates' de-briefing are also offered.

In the case of church schools, diocesan representatives will work with LA officers to provide advice and guidance in respect of the appointments process.

The WES HR Head teacher Recruitment Administration Service is designed to ensure that the minimum workload falls on governing bodies and school staff. This service includes all of the administrative processes at the heart of the recruitment process; including the placing of the advert, compiling the headship details, preparing and responding to requests for application forms and information packs, distributing application forms to panels, arranging interview venues, inviting candidates and requesting references.

Further details about the service and charges can be obtained from the Recruitment Team on 0845 155 0987 or e-mailing **[wesrecruitment@warwickshire.gov.uk](mailto:wesrecruitment@warwickshire.gov.uk)**

All Head teacher and Deputy Head teacher vacancies must be advertised in such a manner as the Governing Body considers appropriate unless it has good reason not to. Such a reason would be where a school is subject to a re-structure, for example, where an Infant and Junior school merge to form a Primary School or, where a head teacher vacancy of a school within a statutory federation arises, it can be filled by a head teacher who is already an existing head teacher at another school within the federation, in which case a selection process would not be necessary.

Process:

- the governing body must appoint a selection panel of at least three of its members to recruit Head teachers. At least one member of the panel must have taken safer recruitment training.
- the governing body must provide the LA with details of all shortlisted candidates
- it is no longer compulsory for an individual to hold the NPQH before being appointed to a head teacher position. However, individual Governing Bodies can choose to state a preference on the job specification that candidates have NPQH and they will still be able to prioritise candidates with NPQH over those who do not.
- the governing body's selection panel recommends an appointable candidate to the governing body for approval

- in community/voluntary controlled, community special, maintained nursery schools, the LA has a right to attend all relevant meetings of the selection panel and has a duty to give advice that must be considered by the selection panel
- in foundation and voluntary aided schools, where agreed between the Governing Body and the LA, the LA has a right to attend relevant meetings of the selection panel and to give advice that must be considered by the selection panel.
- in the case of a church school, the diocesan authority is afforded the right to attend all relevant meetings of the selection panel and to give advice that must be considered by the selection panel
- only governors on the selection panel can vote and before making a decision, the governing body has a duty to consider any LA advice; and
- the LA (or Governing Body if voluntary aided/foundation) must appoint a candidate recommended by the panel if the governing body approves the recommendation unless the candidate does not meet the appropriate qualifications requirements.

Where the LA has concerns about the suitability of a candidate, it must write to the selection panel within 7 days. The panel is required to consider the LA's representations and if it proceeds to interview and subsequently wishes to recommend the appointment of that candidate to the governing body, it must respond to the LA in writing. Furthermore, the correspondence must be made available to the whole of the governing body.

Where there is a gap between a Head teacher leaving and his/her replacement starting, the governing body is required to recommend a person to appoint as Acting Head. They can also choose to recommend an acting Deputy Head, if there is a similar situation at the Deputy Head level. The full advertising and interviewing process need not be followed in these instances, however, where there is more than one suitable candidate the appointments procedure must be followed. Upon the recommendation of a suitable candidate, the LA is required to appoint the recommended person, subject to qualifications and medical capability.

The National Governors' Association has published useful guidance on headteacher recruitment. "A guide to Recruiting and Selecting a New Headteacher" is available on the NGA website, [www.nga.org.uk](http://www.nga.org.uk)

## **2.5 Appointing to Deputy Head teacher Posts**

The school's governing body decide how many, if any, Deputy Head teachers the school is to have. With the exception of the LA's right to make representations about unsuitable Head teacher candidates, the procedure for appointing Deputy Head teachers is the same as that for Head teachers.

## **2.6 Other Teaching and Support Staff**

The governing body may delegate responsibility for recruitment to:

- the headteacher;
- one or more governors or
- one or more governors and the headteacher..

Good practice would be for a selection panel to involve a minimum of three people to include the line manager of the vacant post accompanied by at least one of the following; the Head teacher, a Senior Manager within the school or a Governor.

Recommendations to appoint should be made to the LA (or Governing Body if voluntary aided/foundation) which is required to appoint the recommended person, subject to conditions concerning qualifications and medical capability.

### **3.0 Writing a Job Description and Person Specification**

#### **3.1 Job Descriptions**

Everyone applying for a vacant job will want to know what they will be expected to do and the outcomes they will be responsible for. Without definition and clarity about where the post fits into the school's agreed structure, there is likely to be confusion and disagreement between employer and employee.

The job description should be an accurate outline of the job role and should detail the purpose, tasks and responsibilities of the job. Employees who have been misled by a job description are unlikely to stay for long.

When a job is new it would be reasonable to review the job description's accuracy after six months, for example, and on a regular basis thereafter as part of the annual appraisal process. Similarly, an existing job becoming vacant presents an ideal opportunity to review and update the job description and person specification.

Job descriptions for teachers should not contain duties or responsibilities that are outside of those contained within the Conditions of Employment section of the National School Teachers' Pay and Conditions Document. There is also a need to be mindful of the National Agreement in relation to teachers' workload, the contractual changes and the need to address work-life balance issues.

Some points to remember when writing an appropriate job description:

- include the main purpose of the job. The job description should be concise and make clear the main purpose of the job, followed by a list of the principal duties that the postholder will be required to perform. It should also include the reporting lines, ie responsible to and for.
- include special conditions, e.g. requirement to attend evening meetings

- include the post's responsibility for promoting and safeguarding the welfare of children/young persons
- prefix each duty with an 'action verb' that conveys the level of authority and responsibility attached to the job, eg. 'to manage' a budget implies a higher level of responsibility than 'to monitor' a budget; and
- the list of duties should be carefully worded to avoid unlawful discrimination
- if the post is a non-teaching post governed by the Green Book, the grade for the post must be established (using the Authority's job evaluation scheme) if it does not match one of the generic job descriptors for school-based posts (which are available on the WES HR website). (Details of the grading process are also available on the WES HR website)
- *Remember* - the job description plays a key role in the 'selling' of a job vacancy to prospective applicants. Furthermore, a good job description assists with the induction, training and performance management processes.

( Some example job descriptions for teaching posts with TLR are available on the WES [HR](#) website. For grading purposes, generic job descriptors for non-teaching posts are available on the WES HR website).

### 3.2 Person Specifications

A person specification allows an employer to profile the ideal person to fill the job. A person specification should be prepared which sets out the skills, aptitude, knowledge and general abilities that are required to do the job. These should be defined as either 'essential' or 'desirable' criteria:

**Essential criteria** are attributes that the post holder *must* have in order to carry out the job effectively. For example, a teacher must have Qualified Teacher Status. The Governing Body may also decide that its head teacher must have NPQH .

**Desirable criteria** are attributes that will enhance job performance but do not necessarily mean that those lacking such attributes should be excluded from consideration.

Some points to remember when writing a person specification:

- only include criteria that are relevant. The use of unjustified criteria may be both misleading and amount to unlawful discrimination, eg. the use of criteria such as 'energetic' or 'physically fit' is difficult to measure as well as potentially discriminatory. The use of criteria that discriminate directly or indirectly on age grounds should also be avoided, e.g.

“young”, “mature” unless this can be objectively justified.

- only ask for experience that can be objectively justified. Be mindful that relevant experience could also be obtained outside of the working environment, e.g. voluntary work
- do not set qualification requirements unnecessarily high as they may result in the appointment of a person who will quickly become dissatisfied with the job. Furthermore, it may also reduce the field of applicants; and
- indicate your method of assessment, e.g. by application form, interview, test.

In addition to the candidate’s ability to perform the duties of the post, the selection process will also explore issues relating to safeguarding and promoting the welfare of children. You should therefore also include:

- that the post will require an Enhanced CRB Disclosure check
- that, if the applicant is currently working with children on either a paid or voluntary basis, his/her current employer will be asked about any disciplinary offences relating to children including “time expired” offences, whether the applicant has been the subject of any child protection concerns, and the outcome of any enquiry or disciplinary procedure.

It is also recommended that you include the following points in the person specification:

- motivation to work with children and young people
- ability to form and maintain appropriate relationships and personal boundaries with children and young people
- emotional resilience in working with challenging behaviours
- attitudes to use of authority and maintaining discipline
- details of how each essential and desirable criteria will be marked by the recruiting panel, so that candidates are aware how they should present their credentials for the vacancy.

N.B. Regulations introduced from 1<sup>st</sup> September 2012 require a Governing Body of a maintained school to confirm whether a teacher has, within the last 2 years, been the subject of capability procedures, where so requested by the Governing Body of another school when seeking a reference. Details of the

concerns giving rise to the procedures, the duration of the proceedings and their outcome must be given if requested.

Advice and guidance on preparing job descriptions and person specifications, as well as related grading matters, is available, where purchased, from the WES HR recruitment and advisory service. It is particularly advisable to seek guidance on the grading of support posts in view of the possible equal pay implications.

Under no circumstances should the person specification be completed or revised after the selection panel has had access to the applications.

#### **4.0 Writing an Advertisement**

Composing the advertisement is a critical element of the recruitment process given the importance of projecting the school in the best possible light in what is an extremely competitive market.

Advertisements will vary considerably according to the job role and the media used, but the following checklist will be appropriate to most jobs:

- job title
- job location
- salary and any other benefits
- information about the school
- hours of work
- type of contract, permanent, fixed term, temporary, etc
- reference to work/life balance
- main purpose or responsibilities of the job
- main criteria sought in the successful applicant
- the procedure for applying, including an address, telephone number, e-mail address and named contact person
- dates of interviews and tests (where appropriate)
- the post is subject to an Enhanced CRB Disclosure
- a realistic closing date – a minimum of 2 weeks from the date of publication is recommended
- logos and website addresses for the school and Warwickshire County Council
- a statement of commitment to equality of opportunity

The advertisement should also include school's commitment to safeguarding and promoting the welfare of children and young people and that it expects all staff & volunteers to share this commitment.

Ensure that the contents, particularly salary and other benefits, are accurate. Also ensure that the wording of the advertisement encourages applications from all suitable candidates irrespective of age, disability, gender, sexual orientation, race, religion or belief and marital status.

You should avoid the following:

- gender-specific language, eg Headmaster, Groundsman.
- language that suggests that race will be a consideration in filling the job, e.g. asking for English as a first language or a UK education.
- language that might discourage applications from disabled people, e.g. that applicants should be 'fit and energetic'.
- pictures or graphics that might be interpreted as indicating any of the above intentions.
- language that discourages applicants from a particular age range or reference to a preferred age range (unless it can be objectively justified)
- Jargon; and
- superfluous detail or misleading information.

It is important that all documentation, i.e. job descriptions, person specifications, information to applicants, is appropriate and of a high quality since this process is also a marketing and public relations exercise. A culture of professional openness, where maximum information about the post and the school is made available to all potential applicants, is to be encouraged.

In your information to prospective applicants you should include a copy of your school Child Protection Policy/Procedure and that all candidates, if shortlisted, must bring in proof of identity.

## **5.0 Placing the Advertisement**

**5.1** The process of advertising a vacancy needs to be undertaken carefully so as to ensure the best response whilst achieving best value at the same time. The object is to attract a sufficient selection of good quality candidates. WES HR Recruitment can arrange for the vacancy to be advertised, using the benefit from discounts with frequently used publications as well as the expertise of their advertising agency.

Media used for such advertisements will include:

\* *national press* – advertising in the national press is expensive but likely to produce a good response. National publications catering for ethnic minority groups can also be used.

\* *specialist and professional journals* – often less expensive than the national press, these journals, which include religious publications and ethnic press, can guarantee to reach specific groups of potential applicants for specialist and professional vacancies

\* *internet / social media* – an expanding recruitment medium which will target people who are computer literate and have access to the web at their home, place of study or work. Whilst this is a cost effective option, it should not be

used exclusively.

\* *local newspapers, radio* – used for less specialised jobs, or to target groups in a particular locality, advertisements in the local media can often produce a good response

\* *school noticeboard* - this may be suitable for certain vacancies, eg midday supervisors

Details of WES HR's advertising service can be found at [www.warwickshire.gov.uk/wes](http://www.warwickshire.gov.uk/wes) in the Document Library by typing Keyword: Advert, Select a Service: WES HR and Payroll Services or by telephoning 01926 418125.

A Guide for Schools on Recruitment Advertising can also be found on the WES HR website under the heading of "Recruitment" and includes examples of publications to use, copy deadlines and advertisement styles.

**5.2** WES HR will also advertise all posts, free of charge, on Council website: [www.warwickshire.gov.uk/jobs](http://www.warwickshire.gov.uk/jobs), for schools subscribing to the full service.

### **5.3 Other sources of recruitment may include:**

- **commercial recruitment agencies** – often specialising in particular types of work /job role agencies are likely to already have potential applicants registered with them. This source, however, does tend to be expensive.

- **secondary schools, colleges and the careers service** – a good source of local, young people whose particular skills and abilities are known. It can be particularly useful to offer students the opportunity to spend some time at the school on work experience, or 'shadowing'. The Modern Apprenticeship Scheme is also available to provide young people work opportunities at a low cost to the employer, e.g. some schools have recruited ICT technicians through this scheme.

### **5.4 Under Representation and Genuine Occupational Requirement (GOR)**

In limited circumstances it may be permissible to aim an advertisement specifically at a particular race or sex or age range, either where there is under representation or where a GOR applies. The latter is where the holder of the job provides individuals with personal services promoting their welfare or education, or similar personal services, and those services can most effectively be provided by an individual of a particular gender or race. An example would be the provision of care for a specific pupil or group. Further information relating to this legislation can be found in Section 13.1.

The Courts do, however, take a restrictive view of when such a condition applies, and you are strongly advised to seek advice by contacting WES HR before proceeding on this basis.

## **5.5 Responding to Disabled Applicants**

Schools, as with all other employers, have a legal responsibility not to discriminate against a disabled person in any respect of employment, including recruitment and selection, for a reason connected with their disability.

When advertising, application forms and other job related information should be made available in different formats and media if requested, for example, in large print, on tape etc. In addition, disabled applicants should be allowed to make applications in different formats where appropriate. Further advice on the above is available from WES HR Recruitment (Tel: 01926 418125).

Warwickshire County Council operates a guaranteed interview scheme whereby a disabled person who meets the essential criteria for the job is guaranteed an interview.

## **6.0 Shortlisting Applicants**

It is essential that the same selection panel should both shortlist and interview candidates. When shortlisting:

- keep a record of the meeting of the panel; detailing who was present, points raised, decisions reached
- if any applicants, who meet the minimum essential criteria and are employees of the County Council and at risk of redundancy, they should be given priority consideration at this stage.
- each application must be measured against the essential criteria set out in the person specification, being mindful of the method of assessment identified
- internal candidates are not guaranteed an interview and must also meet the minimum essential criteria
- if the number of candidates meeting the essential criteria is too large, desirable criteria should be used to reduce the field to a manageable size
- in reading applications, always be vigilant looking out for any unexplained gaps in the employment history or uncertainties over names used; and
- it is helpful to use a standard form for recording the reasons why candidates have, or have not, been shortlisted with clear reference being made to the criteria set out in the job description and person specification.

In the event that you have a high number of suitable applicants to shortlist, it is advisable to contact WES HR to determine criteria in how to reduce this to a

manageable number.

Candidates who have not been shortlisted should be informed in writing, unless they have already been informed that those not receiving a response by a specified date should assume that they have not have been shortlisted.

Applicants who believe they have been unlawfully discriminated against have the right to complain via an Employment Tribunal and, therefore, all notes should be kept for at least 6 months following the date of the interview. Furthermore, it is good practice to provide feedback to applicants when requested and such notes will help you in that process.

## **7.0 Checking for References and Qualifications**

### **7.1 References**

In accordance with the practice for all posts having access to children and young people, references should be requested as soon as candidates have been shortlisted for interview. These should be sought in an appropriate manner and used in a fair and agreed way by the selection panel throughout the process. Candidates who have indicated that they do not want their referees to be contacted should now be asked for permission to do so. References that have been obtained prior to the interview, and which raise issues of concern, can be explored further with the referee and taken up with the candidate during the interview if necessary.

A new reference should be obtained in respect of each appointment irrespective of whether a reference relating to the same candidate has been obtained for an earlier vacancy. References should be obtained from the candidate's current or most recent employer and includes candidates internal to Warwickshire.

Regulations introduced from 1<sup>st</sup> September 2012 require a Governing Body of a maintained school to confirm whether a teacher has, within the last 2 years, been the subject of capability procedures, if so requested by the Governing Body of another school when seeking a reference. Details of the concerns giving rise to the procedures, the duration of the proceedings and their outcome must be given. (Ref: The School Staffing (England) (Amendment) Regulations 2012).

The application form should request both professional and character references, one of which should be from the applicant's current or most recent employer. Additional references may be sought where appropriate : e.g.

- where an applicant is not currently working with children, but has done so in the past, a reference from that employer should be sought in addition to that from the current or most recent employer if this is different.

- where an applicant has been working as a locum or with an agency on a series of temporary contracts, a reference from the last permanent employer should be sought.

References should contain objective verifiable information and in order to achieve this, a reference pro-forma with questions relating to the candidate's suitability to work with children should be provided. You are recommended to use a reference pro-forma (a model pro-forma can be found in **Section 15.0**) which can be sent with a covering letter. The use of telephone references in isolation is not good practice and is discouraged. However, a telephone conversation to clarify points of information is acceptable. If a reference has not been provided in time, this should not prevent the candidate's application from going forward if s/he meets the criteria.

The referee should be asked to confirm whether the applicant has been the subject of any disciplinary sanctions. Furthermore, the referee should be asked whether the applicant has had any allegations made against him/her, concerns raised relating to either the safety or welfare of children and young people, or about the applicant's behaviour towards children or young people. Details about the outcome of any concerns or allegations should be sought. The references should be checked carefully with the application form to identify any possible discrepancies.

If the applicant claims to have specific qualifications or experience relevant to working with children which may not be verified by a reference, the facts should be verified by making contact with the relevant body or previous employer, and any discrepancy explored during the interview.

Reference requests should include a copy of the job description, person specification and any other relevant information. They should also indicate the date by which a reply is required. It is helpful to ask specific questions of the referee, covering areas such as:

- the capacity in which they know the applicant
- dates of employment
- standard of work
- previous contact and work with children
- the applicant's absence record.
- whether there is any outstanding action or sanction in connection with conduct or capability (see above re: teachers' capability proceedings) ; and
- the applicant's suitability for the post applied for

Where the response from the referee appears unclear, or questions asked remain unanswered, clarification must be sought.

No offer of appointment - verbal or written - is to be made prior to receipt of suitable references. Where references have not been received, it is suggested that you inform the 'successful' candidate that you are interested in pursuing the candidate's application and now wish to seek references. There may be

occasions when references are not forthcoming for whatever reason and, in this case, a candidate should be given the opportunity to provide the details of an alternative referee.

In order to make an offer, two satisfactory references must be received, one of which is the current or most recent employer. Where the candidate is a school or college leaver, the reference should be from that educational establishment.

## **7.2 Qualifications**

It is essential that all qualifications that are relevant to the job are checked before any appointment is made. The most convenient means to do this is to ask shortlisted candidates to bring their original documents with them when invited for interview.

Please note that, where purchased, WES HR undertakes the qualification checks for all newly qualified teachers. See 10.1 re: QTS.

## **8.0 Selecting an Applicant**

### **8.1 Preparing for Interview**

The interview stage is another area where allegations of unfair or discriminatory treatment can arise and therefore care should be taken to ensure that all processes are fair and justifiable.

It is good practice to offer the opportunity for candidates to visit the school prior to the interview process.

All candidates invited for interview should be given sufficient time to make arrangements to attend the selection process and to carry out any preparatory work required beforehand, ensuring that they have access to all the required information. A minimum of seven days prior notice is recommended. Where the interview process for a teaching post is to include observed teaching, it is good practice for full and clear details of the teaching task(s) and the evaluation process to be given to the candidates as far in advance as possible.

Candidates should be informed of claimable expenses and the method for submitting claims (costs associated with recruitment are charged against the school's delegated budget).

Candidates should also be asked whether they have any particular requirements for the selection process relating to disability and if they would like to visit the school prior to the interview. All practicable steps should be made to accommodate any such need.

Candidates should be reminded that, if successful, their qualifications and suitability to work with children will need to be thoroughly checked.

Before the selection process, each member of the panel should receive:

- a timetable for the process which allows sufficient time for each interview
- a list of the candidates to be assessed; and
- copies of the completed application forms and a job description and person specification

and then decide:

- who will chair the panel
- the role that each member of the panel will play
- the core questions to be asked of the candidates.
- the sequence and structure of the process
- the desired responses to the questions and how these relate to a scoring matrix; and
- how the assessment of the candidates will be conducted

A score sheet pro-forma can be found in **Section 15.0** of these guidelines.

## **8.2 The Interview**

The aims of an interview are to:

- determine the suitability of the candidates for the post based on objective information and in relation to the job description and person specification
- ensure that all candidates receive the same 'pre-selection' information and that they each enjoy a fair opportunity to present themselves
- ensure that all candidates receive a clear picture of the organisation and the expectations of the role
- maintain the school's image as a good employer; and
- provide the opportunity for candidates to ask questions.

It is important that interview questions relate to the selection criteria stated on the person specification in order that the candidate's answers can be assessed and rated. Specific questions can be asked to clarify and supplement the information provided in the candidate's application form. For example, an interview panel must seek clarification on any apparent employment gaps or where dates of employment do not tally, particularly where the postholder will have access to children.

The candidate's attitude toward children and young people in general should be tested and also their commitment to safeguarding and promoting the welfare of children in particular. The following areas should be explored with applicants in the interview:

- their motivation and reasons for working with children
- their attitudes and behaviour about control and punishment
- their perceptions about the boundaries of acceptable behaviour towards children
- their ability to form and maintain professional relationships
- their personal belief systems, including attitudes to, perception of and sensitivity to sexual images of children
- their understanding of safeguarding children

**Suggested questions in this area :**

- *safeguarding children is an important part of our work. Can you give some examples of how you would contribute to making the organisation a safer environment for children?*
- *Tell me about a time when a child or young person behaved in a way that caused you concern. How did you deal with this and who did you involve?*
- *Why do you want to work with children? What do you think you have to offer? Give an example of how children have benefited from contact with you?*

If a reference has highlighted an area(s) that needs clarification, it would be appropriate to explore this at the interview.

Panel members should also be reminded that all notes taken should be as objective as possible. Under the Data Protection Act 1998, the potential exists for interviewees to see the notes made about them.

Interviewing arrangements should include the following:

- informal seating arrangements that put candidates at ease.
- comfortable lighting arrangements. The candidate should not be facing bright lights or strong sunlight
- thoughtful refreshment arrangements – if the panel have coffee, offer the same to candidates; and
- freedom from interruptions – place a sign on the door and divert the telephone.

Possible supplements to the selection interview may include:

**Presentations** – these can demonstrate an individual's ability to research a topic and present it concisely and effectively to a targeted audience. These

are often be used where the postholder will be expected to address groups or to present information as part of the job role.

**Controlled group** – teachers can be asked to prepare specific tasks in their subject for a group.

**'In tray' exercises** – often used for clerical or administrative roles, these can demonstrate an individual's ability to prioritise and use their time efficiently.

**Observed group discussions** – commonly used for more senior posts, these demonstrate personal and interactive skills. They can be helpful in assessing a candidate's communication skills, ability to influence or suitability for team working. Observers should, however, be trained in, and have an understanding, of the process of observation.

**Practical tests** – these are suitable where jobs require specific skills that can be readily assessed, e.g. numeracy, keyboard skills etc. Any tests chosen should be relevant to the job description and person specification. The test should, as far as possible, be a task the applicants would normally face in the job role.

**Psychometric tests** – these can measure technical skills, general intelligence, aptitudes and personality. Tests must only be conducted, and the results interpreted, by qualified assessors. This type of selection process is expensive and usually confined to senior management positions.

Be mindful that any one of these tests thought through and properly prepared will require you to take time and resources to actually put into place if they are to be effective. Remember to include these alternative methods on the person specification and the criteria to which they are related.

It is important to be clear about the weighting that each activity will carry. For example, the interview may count towards 50% of your scoring a candidate, whilst the other activities combined may make up the remaining 50% of the scoring. If the candidates are meeting a group of staff, think carefully how this will be managed and how it will be fed back to the selection panel. There is the potential for discriminatory practice here if due care is not taken.

### **8.3 Making a Decision**

Panel members should separately score the candidates using the matrix score sheet. **See Section 15 pro-formas.** They should then share their scores with other panel members and discuss their reasons for reaching this score. This discussion should result in a jointly agreed score for each candidate.

Notes taken during the selection process should be collated and matched against the criteria set out in the person specification. Always remember that under the Data Protection Act 1998, candidates may have access to these notes.

Even though it is important that any appointment will complement an existing team in the pursuit of its objectives, it is important not to select a candidate based on vague general conclusions and because they would 'fit in'. Selection on this basis could attract an accusation of discrimination.

If the panel is not able to decide on a candidate because of lack of suitability, do not be afraid to refrain from making an offer of appointment. Long term, it is better to try again rather than make the wrong appointment for the sake of filling the vacancy quickly.

If two candidates are of equal rating and one is from an under-represented group (e.g. particular sex or ethnicity), it will be possible to select the candidate from the under-represented group.

References will also inform the decision and an appointment should only be made where the references are satisfactory and confirm the candidate's suitability. Any areas of concern will have been clarified at the interview stage.

If a reference has not been received at this stage, it will be necessary to follow this up. Any appointment decision about should be conditional upon receipt of a satisfactory reference.

## **9.0 After the Selection Process**

### **9.1 Informing the Successful Candidate**

The successful candidate may have been given an oral offer at the end of the selection process. This should be followed up by letter or by e-mail as soon as possible.

It is important to be very clear about the conditions upon which the offer is made, e.g. subject to medical clearance, receipt of satisfactory references, proof of qualifications, criminal records checks, eligibility to work in the UK.

### **9.2 Informing Unsuccessful Candidates**

It is important to inform unsuccessful candidates and the best way of doing this is by telephone. This can be followed up by a letter or e-mail. In all but exceptional circumstances this should be done within five working days.

Unsuccessful candidates should normally be offered the opportunity to discuss their performance in the selection process if they wish and constructive feedback provided.

Recruiting managers should aim to leave unsuccessful applicants feeling that they have been treated fairly and with a favourable impression of the school.

### **9.3 Informing HR provider**

Where purchasing WES HR admin and payroll service, schools should give WES HR details of the successful candidate as soon as possible by completing form New Contract Details Form Non Teaching EDU form for support staff or New Contract Details Form Teaching EDU for teaching staff in order that the appropriate documentation can be issued and Payroll informed accordingly. It is helpful to provide the documentation as early as possible due to the payroll deadlines and to ensure that new employees are paid accordingly. Examples of these pro-formas can be found in **Section 15.0**

If using alternative HR admin/payroll provider. Schools should forward details of the successful candidate to their appropriate payroll and HR admin provider.

### **9.4 Keeping Recruitment Records**

In order to comply with the Data Protection Act 1998, all personal data obtained in the course of the recruitment process (applications, references, interview notes, test scores, etc.) with the exception of data which is transferred to the appointee's personal file, should be kept in a secure place for a period of six months and then systematically destroyed.

### **10.0 Checking Eligibility for Employment**

Listed below are the checks for new appointments that must be made. Where purchasing WES HR admin and payroll service, each new appointee should be given an appointment pack which contains details of all checks. If purchasing WES HR admin and payroll, all of the following checks, except eligibility to work in the UK, are undertaken. See **Section 10.4** for eligibility to work in the UK. It is important that casual and sessional staff are also subject to the appropriate checks detailed below and that these are completed prior to taking up appointment.

#### **10.1 Teaching Agency**

Maintained schools must ensure that teachers have achieved qualified teacher status (QTS) and have completed their induction. The Teaching Agency maintains a list of teachers with QTS and who have completed their induction. The Agency also maintains lists of teachers who have been prohibited from teaching or who have teaching restrictions placed on them. Schools must check that the teachers they employ are suitable for employment.

#### **10.2 Criminal Record Checks**

All school staff must be checked for criminal records. The Criminal Records Bureau (CRB) carries out these checks. Checks can only be submitted to, and received from the CRB, by a properly authorised body. Staff should not commence prior to the CRB clearance being received. On the rare occasion where this might occur, a risk assessment must be undertaken and unsupervised access to children must be avoided and a check must be made against the Vetting and Barring List to ensure that the individual has not been barred. The risk assessment needs to be evidenced in writing. (See Section 15 “Assessing the relevance of criminal records”).

**Further information about this process can be found in the Criminal Records Bureau Policy and Guidance produced by WES HR and these can be found on its website.**

If purchasing WES HR advice, an HR Advisor will contact Head teachers to discuss any cautions, convictions or cause for concern disclosed on the CRB Disclosure Certificate. This is to help make a judgement about the person’s suitability to work with children, taking into account only those offences which may be relevant to the post in question. In deciding the relevance the following should be considered as part of your risk assessment:

- the nature of the appointment
- the nature of the offence
- the age at which the offence took place
- the frequency of the offence

Anyone who is barred from working with children in a regulated position, as set out in The Safeguarding Vulnerable Groups Act 2006 is committing an offence if they apply for, offers to do so or accepts any work in any of the regulated positions as set out in the Act. It is also an offence for an employer knowingly to offer work in a regulated position, or to produce work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

### **10.3 Medical Procedures**

Legislation requires that the employer (Local Authority or Governing Body) should be satisfied with the health and physical capability of any employee who will have regular contact with children.

Where the LA’s WES HR service is purchased, all employees will be required to provide a medical statement of fitness when first appointed by completing a Work Health Declaration (Medical Clearance) questionnaire. The questionnaire asks two questions. Question 1 is regarding sickness absence over the past two years. Question 2 asks the candidate if they aware of any health condition or disability which might impair their ability to effectively undertake the duties of the position; if the employee answers ‘yes’ to either question, further investigation is carried out by the Occupational Health Adviser and advice given regarding the individual’s fitness for work. Where

there are doubts about an applicant's fitness to work in a school, the WES HR service will discuss the matter with the Head teacher and/or Chair of governors before any decision is made.

Where an alternative HR service provider is purchased, the Governing Body must ensure that the above requirement is satisfied.

#### **10.4 Eligibility to Work in the UK**

Employers must ensure that they take the necessary action to ensure their employees are eligible to work. This should be done through the recruitment process and also through employment, where the status during recruitment may change in the future. An employer is acting unlawfully if they employ a person who does not have the right to work in the UK and can be fined up to £10,000 per illegal migrant worker. The requirement to undertake checks, as referred to below, rest with the school.

##### **Determining Eligibility to Work**

In order to determine if a recruitment candidate or current employee are eligible to work in the UK, appropriate documentation must be checked. This is important, even where the person claims to have been resident in the UK since birth. The documents that must be checked are very specific, and are outlined by the Border Agency.

Further information can be found on the Border Agency website, [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk). Helpful publications entitled "*Summary Guide for Employers on Preventing Illegal Working in the UK – April 2012*" and "*Full Guide for Employers on Preventing Illegal Working in the UK – May 2012*" can be found on this website.

If purchasing WES admin, further information can be obtained by contacting the Recruitment Centre, email: [recruitment@warwickshire.gov.uk](mailto:recruitment@warwickshire.gov.uk) or tel.: 0845 155 0987

#### **10.5 Central Record**

Schools are legally required to compile and maintain a single, central record of completed recruitment and vetting records. The central record must state whether checks have been completed and include the date on which each check was completed and by whom. Ofsted does check that the correct record system is in place and that it is sufficiently robust. (See Criminal Record Bureau Policy and Guidance January 2010 available on the WES HR Website).

#### **11.0 Planning Induction**

Once an appointment decision has been made, the induction programme for

the new appointee should be planned well in advance of the appointment date. Induction sessions should not be held during lunch breaks or outside of normal directed time. The overall induction process is likely to span a period of weeks, or even months, depending upon the job involved.

The induction of all newly appointed staff must include:

- an introduction to the school's child protection policies and procedures, including being made aware of the identity and specific responsibilities of those staff with designated safeguarding responsibilities.
- health and safety, including information about safe practice, a full explanation of their role and responsibilities and the standard of conduct and behaviour expected.
- the school's personnel procedures relating to disciplinary issues and the relevant whistle blowing policy.
- attendance at child protection training at a level appropriate to the member of staff's work with children.

Head teachers/Managers should ensure that staff are adequately and appropriately supervised/supported and that they have ready access to advice, expertise and management support in all matters relating to safeguarding and child protection.

Although not exhaustive, and in no particular order, the following checklist outlines items that may need to be included in an induction programme:

- introductions to new colleagues
- timetable
- duty systems
- the layout of the school
- child protection procedures
- health and safety information including fire evacuation procedures
- classroom practice including the school's behaviour policy
- diary meetings and other known commitments
- continuous professional development
- issuing of security pass, identity badge, keys etc
- transport arrangements, including car parking
- ICT and telephone facilities
- details of how to join a trade union and the name of local representatives

It is also helpful to check with the new member of staff that they have received the following:

- arrangements for paying salaries (ensure that details for payment into a bank or building society
- details of the pension scheme; and
- a written statement of particulars of employment

## 12.0 Appointment Process - Checklist

Please find below a model checklist for the appointment process which may be of assistance to you:

Action	Name of person responsible	Target date
Decide whether to fill the vacancy taking into account curriculum, organisational and budgetary aspects.		
Notify LA of details of vacancy (as detailed in section 1.4)		
Identify appropriate and representative selection panel		
Write job description and person spec		
Draw up timescale – agree shortlisting and interview dates, venue and associated arrangements		
Prepare and make available application packs (including job description, person specification and monitoring forms) and relevant additional information for applicants.		
Select candidates for interview		
Request references		
Hold interviews		
Inform successful applicant		
Inform unsuccessful		
Retain notes taken at the shortlisting and interview stages		
(Where purchasing WES HR admin) : Issue appointment pack to successful candidate (Part A of the Medical Statement of Fitness form in the pack to be completed by the school first). Advisable to issue this pack immediately after contacting the successful candidate to ensure medical and CRB checks are completed before the person takes up their post.		
(Where purchasing WES HR admin): <u>Teaching staff appointments</u> – send copy of application form with		

<p>form New Contract Form Teaching EDU and Salary Assessment Form to WES <u>HR</u>).</p> <p>Support Staff appointments – Send copy of application form with form New Contract Form Non Teaching to WES HR.</p> <p>NB. In the case of fixed-term employees it is important to include the reason for the fixed term appointment, e.g. when an appointee is supporting a special needs child please include the name of the child as this is needed for inclusion in their contract of employment</p>		
<p>(Where purchasing WES HR Admin): - Complete Equal Opportunities monitoring summary sheet (EQP2) and forward with the monitoring sheets to WES <u>HR</u> in the envelopes provided</p>		

## **SECTION 2**

### **13.0 Relevant Legislation**

In the absence of consistent and justifiable criteria for recruitment and selection purposes, decisions can be subjective and leave the way open for discrimination to occur. Discrimination in the recruitment and selection process not only contravenes Warwickshire County Council's / the school's policy on equal opportunities, but it is also unlawful.

Legislation which can impact on the recruitment and selection process is detailed below.

#### **13.1 The Equalities Act 2010.**

This act protects from discrimination on the basis of 'protected characteristics': age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, marriage and civil partnership. In employment, the Act does allow for certain exceptions, for example in the area of sex and race.

##### **Sex Discrimination :**

Discrimination on grounds of sex (but not against married persons or victimisation) in recruiting for a job, or in providing opportunities for promotion or transfer, may be justified where a person's sex is a genuine occupational requirement (GOR) for the job. A GOR may be claimed only because of :-

- a) physiology (excluding physical strength and stamina) or authenticity, for example, a model or an actor
- b) decency or privacy, for example, changing room attendants
- c) the nature of the location of the establishment which makes it impracticable for the job holder to live in premises other than those provided for by the employer and the only available premises for persons doing that kind of work do not provide both separate sleeping accommodation for each sex. This exception does not apply if the employer could reasonably be expected to make alternative arrangements
- d) the fact that the establishment, or part of it, provides special care, supervision or attention to people of one sex only
- e) the fact that the job involves the provision of personal services, promoting welfare or education, that are most effectively provided by men (or by women) , for example, some probation officers or wardens of residential hostels.

##### **Race discrimination :**

Selection on grounds of race may be justified where being of a particular racial group is a Genuine Occupational Requirement (GOR) for that job, i.e.

where the jobholder provides members of a particular racial group with personal welfare, educational or similar services and those services can most effectively be provided by a person of that racial group.

The Act also allows action to be taken to deal with under-representation of a racial group in particular work by encouraging applications from members of the under-represented racial group but only if the employer can show:

- a) that at any time during the previous 12 months there were no members of a particular racial group doing that work at that establishment
- b) that the number of members from that racial group doing such work was small in comparison with the proportion of people of that group among those employed at the establishment, on the population of the area from which the employer normally recruits to work at that establishment.

### **Religion or Belief :**

Discrimination on the grounds of religion, religious belief or similar philosophical belief is unlawful in employment and vocational training. The legislation maintains the provisions already in place in Section 60(6) School Standards and Framework Act 1998 and do not allow governing bodies of Catholic schools, for example, to give preference in the appointment, remuneration and promotion of non-teaching and support staff to Catholics.

Generally, non-teaching and support staff posts in Catholic schools do not require applicants to be practising Catholics. However, there will be some occasions when a Genuine Occupational Requirement applies and a non-teaching or support staff post must be filled by a Catholic, for example a school chaplain.

The legislation recognises this and makes specific provision for those employers who have an ethos based on religion or belief. The exemption in the Regulations applies only to those non-teaching and support staff posts where it can reasonably and demonstrably be shown that, “being of a particular religion or belief is a genuine occupational requirement for the job”. This allows employers to place advertisements for jobs requiring a person to be of specific religion as long as it can be justified. Such a requirement needs to be made explicit in job descriptions, person specifications and adverts and should also be reiterated during the selection process.

Further advice and guidance can be found on the Diocesan Schools Commission website at [www.bdsc.org.uk](http://www.bdsc.org.uk)

### **Sexual Orientation :**

Discrimination on the grounds of sexual orientation is unlawful. This covers discrimination on the grounds of perceived, as well as actual, sexual orientation (i.e. assuming – correctly or incorrectly – that someone is homosexual, heterosexual or bisexual) and also covers association, i.e. being

discriminated against on the grounds of the sexual orientation of those with whom you associate, for example, friends and/or family.

The law does not distinguish between sexual orientation and sexual conduct in the way that the Catholic Church does, for example. Catholic school governing bodies should not, therefore, state or give the impression in any way in their practices or policies that any particular sexual orientation is an occupational requirement.

### **Gender Reassignment**

Discrimination on the grounds of gender reassignment is unlawful, ie. treating any person who intends to undergo, or has or will undergo gender reassignment, less favourably than when compared with another person . . . The correct comparator in such an instance is a person who is off sick or absent for some other reason Gender reassignment is defined as a ‘process which is taken under medical supervision for the purpose of reassigning a person’s sex by changing physiological or other characteristics of sex, and includes any part of such a process. The provisions cover employment-related and some vocational training matters. . .

### **Disability :**

It is unlawful for employers to discriminate against prospective or current employees with disabilities because of a reason relating to their disability. Discrimination occurs when a person with a disability is treated less favourably than someone else due to their disability, and the treatment cannot be justified.

Employers are placed under a duty to make “reasonable adjustments” where the physical features of the workplace or any of the employment arrangements put a disabled person “at a substantial disadvantage compared with non-disabled people”. The legislation does not mean that schools have to employ persons who are not suitable or will have to spend large sums of money in undertaking “reasonable adjustments”.

The key to implementing the duty to make (or consider) reasonable adjustments is flexibility and this is possibly the greatest cultural change required by this legislation. Reasonable adjustment requires the employer to depart from the rigid framework demanded of other legislation and to look at ways of accommodating difference.

### **Age**

Discrimination on grounds of age is unlawful. For example:

- Discriminating directly or indirectly in employment and vocational training,
- Discriminating in recruitment, selection and promotion
- different treatment on the grounds of age
- victimisation and harassment
- mandatory retirement ages
- unfair dismissal law

- redundancy payment rules

Further advice and guidance on age discrimination legislation and the implications for advertising, selection and appointment are available from the school's HR service provider (if WES HR, it is available on its website).

### **13.2 Asylum and Immigration Acts**

The provisions under the Asylum and Immigration Act (1996) which made employers responsible for ensuring that their staff are legally entitled to work in the UK were replaced by the Immigration, Asylum and Nationality Act 2006, which came into force in 2008.

### **13.3 Rehabilitation of Offenders Act (1974)**

The main objectives of the Rehabilitation of Offenders Act 1974 are to ensure that a person convicted of a criminal offence in the past, after a period of rehabilitation, be freed from the stigma of that conviction and subsequently treated as if the offence, conviction and/or sentence had never occurred.

However, for certain excepted professions, offices and employments, ex-offenders have to disclose information about spent, as well as unspent, convictions, provided the employer states clearly on the application form or at the interview that the job applied for is exempted. Exempted occupations include all persons working with children and all persons working with vulnerable adults (a full list of exempted occupations can be found in the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975.

The main rehabilitation periods (which start from the date of the conviction) are :

<i>Sentence</i>	<i>Period</i>
A fine or any other sentence subject to Rehabilitation under this Act	5 years
A prison sentence of 6 months or less	7 years
A prison sentence for a term exceeding 6 months but not exceeding 30 months	10 years
More serious offences	No rehabilitation period
Absolute discharge	6 months

**Further information regarding criminal record checks can be found in the Criminal Records Bureau Guidelines produced by WES HR.**

#### **13.4 Data Protection Act (1998)**

The purpose of the Data Protection Act (1998) is to regulate the use of personal information relating to individuals. Documents relating to the employment process are frequently produced in the expectation that they will be kept confidential, for example, test results or notes from a selection procedure. Under the Data Protection Act (1998), an individual can request to gain access to information held about them.

Care must be taken, therefore, in the writing of interview notes and the collation of test results with regards to their accuracy and objectivity.

Furthermore, care must also be taken with the storage of such information and their ultimate destruction.

## 14.0 Frequently Asked Questions

**Q.** *A member of staff wishes to withdraw their resignation whilst still in employment. Can this be done?*

**A.** The withdrawal of notice is at the discretion of the Head teacher (the governing body in the case of the Head teacher). There is no obligation to accept a withdrawal of notice. In considering the request, be mindful of previous decisions where similar situations and circumstances have arisen, or indeed, how the decision may impact on future occasions.

**Q.** *Should all members of a selection panel take notes during the interview?*

**A.** Yes, this is particularly important at the decision-making stage. Remember to advise the candidate that you will be writing during the interview; usually the person asking the questions will be unable to take comprehensive notes as they will be maintaining eye contact and listening.

**Q.** *A shortlisted candidate is unable to attend the interview date/time. Am I obliged to re-arrange the interview?*

**A.** No, However, you may be able to accommodate the request, for example, where the interviews are being held over a number of days. This would be at your discretion and you are not obliged to re-arrange the interview. If, as a reasonable employer, you do re-arrange an interview date, always be mindful of other similar requests and your ability to facilitate them. You should not use this as an opportunity to deliberately exclude a candidate. Where timescales are tight, for example, it may be helpful to include the planned interview dates in the advertisement in order to pre-warn candidates.

**Q.** *Having advertised the post, I received only one application. This person meets the essential criteria outlined in the person specification but I was hoping to interview a number of candidates in order to measure against them. What should I do?*

**A.** Since your applicant meets the essential criteria, then he/she should be interviewed. Applicants should be measured against the person specification, not other applicants. It is, therefore, perfectly feasible to interview only one applicant.

**Q.** *I am in the process of writing a person specification and would like to include the following criteria: "Must be able to work under pressure" and "Able to handle stressful situations". Can I do this?*

**A.** It is advisable not to include such criteria since these are subjective, difficult to measure and potentially discriminatory. You would be advised to identify the specific skills required, for example, "Ability to manage a diverse workload and to work to competing deadlines" or "To deal sensitively with persons who may be upset or difficult."

**Q.** *I am aware that there is a process for dealing with staff facing possible redundancy from their current post. Do I have to do anything in relation to this?*

**A.** The Local Authority's WES HR Service ensures that County Council employees (including staff in community/voluntary controlled schools) who are at risk of redundancy are made aware of all vacancies across the county in order that they may apply in the normal way. The HR service requests that an employee is interviewed if he/she meets the minimum essential criteria.

**Q.** *If I am unclear about an aspect of the recruitment and selection process. Who should I contact?*

**A.** You should contact your HR service provider.

## 15.0 Pro-formas

Job ref: Reference

### **Private and Confidential**

Title, Initial, Surname  
Add1  
Add2  
Add3  
Add4  
Post Code

### **School**

Name of Sender  
Address line one  
Town  
Post Code  
Tel: telephone number  
Fax: fax number

Date

Dear Title, Surname

### **CANDIDATE NAME**

The above named has applied for the post of post title and has given me permission to approach you for a reference.

I should be grateful if you could complete the attached pro forma and return it to me in the prepaid envelope provided. Alternatively, please fax the reference, marked private and confidential, to (01926) fax number. If you would like an electronic copy of the pro forma please email me on email address.

Could you please provide your assessment of this candidate's abilities in relation to the duties, knowledge, and skills the work demands contained in the job description and person specification. Indications of weaknesses as well as strengths would also be useful.

If you are the current employer or a previous employer of the candidate please complete all sections of the form. If you are giving a personal character reference please complete sections B and C providing as much detail as you are able.

If applicable (include if CRB is required)

Please specify in Section C of your reference if this individual is suitable to work with children.

Please note that the school operates an open reference policy to allow members of staff access to their references unless you specifically state otherwise.

I should like to thank you in advance for the information you are able to supply.

Yours sincerely

**Name**

Post Title

**Enclosures:**

Job Description/Person spec  
Pro forma/Pre-paid envelope

# Employer Reference Request

For roles within Education

This form should be used to provide a reference for an individual who is involved in a recruitment campaign with us. It should provide all the factual information you can disclose regarding the employee's time with your organisation. Please **DO NOT** provide health and sickness related information. If appropriate please provide continuous service information.

For assistance with this form or the process for which this form is part, or to submit the completed form, please contact the person named on the covering letter.

## Candidate Details

Forename(s)			
Surname(s)		Title (e.g. Mr, Mrs)	

## Position Details

Job Title		
Organisation / School		

## Employment Details

Please complete the section below referring to the time the candidate worked within your organisation.			
Position Held			
Salary		Start Date	
End Date (if appropriate)			
Local Government continuous employment date (if appropriate)			
Reason for Leaving (if appropriate)			
How long have you known the candidate?			

Did they complete a satisfactory probation period?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Would you re-employ this person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you consider this person to be honest and trustworthy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered NO to any of the above questions, please provide additional details below.		
Has the candidate been subject to any disciplinary procedures where the disciplinary sanction is current?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If YES, please provide additional details below.		
(If a teaching post), has the candidate been subject to any formal capability procedures during the last 2 years?		
If YES, provide details below of the concerns giving rise to the procedures, the duration of the proceedings and their outcome.		

### Safeguarding Details

This section is to obtain details on an individual that relates to their ability to work in an environment where there may be contact with Children or Vulnerable Adults. This is essential to safeguarding these vulnerable groups and so we ask that this section is completed fully and that you provide as much information as possible, where appropriate. This information will be handled sensitively and confidentially.		
Has the candidate been subject to a disciplinary procedure relating to the safety and welfare of children or young people or vulnerable adults?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the candidate been subject to any allegations or concerns in relation to the health and welfare of children or young people or behaviour towards children or young people or vulnerable adults?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there any reason why you are not completely satisfied that the candidate is suitable to work with children or vulnerable adults?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered YES to any of the above questions, please provide additional details below.		

### Additional Information

Please provide any further information here including, if possible, the main areas of
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responsibility and achievements to date along with any skills or potential areas of weakness you have noted.

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**Declaration**

I confirm that the information provided is accurate and complete and consent to being contacted should further clarity on the reference be required.

Job Title			
Organisation			
Name		Tel. No.	
Signature		Date	



## **Assessing the relevance of criminal records**

The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details and circumstances of any convictions. Deciding on the relevance of convictions to specific posts is not an exact science.

An assessment of an applicant's skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the job. It should be remembered that employing people on the basis of information provided in an application form and a short interview, irrespective of whether they have a criminal record or not, is never risk free. Staff responsible for recruitment need to identify what risks might be involved and what precautions need putting into place in order to provide satisfactory safeguards.

To facilitate this process, an applicant's criminal record should be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out. It is recommended that organisations consider the following when deciding on the relevance of offences to particular posts:

- does the post involve one-to-one contact with children or other vulnerable groups as employees, customers and clients?
- what level of supervision will the post holder receive?
- does the post involve any direct responsibility for finance or items of value?
- does the post involve direct contact with the public?
- will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

The answers to such questions should help organisations to determine the relevance of convictions to specific posts. For example, paedophile, or child pornography offences would almost certainly disqualify any person required to work with children; some violent offences would be relevant to positions involving unsupervised contact with the public; fraud should be considered in relation to posts involving the handling of significant amounts of money; and theft in relation to posts involving the handling of stock.

In some cases, the relationship between the offence and the post will be clear enough for the organisation to decide easily on the suitability of the applicant for the job. In other cases, the decision may not be so clear-cut. For short-listed applicants who are assessed as meeting the requirements of the person specification and who then disclose a criminal record that is not related directly to the post, organisations should discuss the relevance of each offence with the applicant. It should be remembered that no two offences are exactly alike. For example, a premeditated burglary that involves extensive damage to the property and the physical intimidations of the occupants ought not to be considered in the same light as someone convicted of reaching through an open window and stealing a purse on a whim.

Whilst it will not be possible to carry out a thorough risk assessment on each individual, it is recommended that the following issues are taken into account as a minimum requirement:

- the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property
- the length of time since the offence occurred
- any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example, the influence of domestic or financial difficulties
- whether the offence was a one-off, or part of a history of offending
- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely

- the country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa
- whether the offence has since been decriminalised by Parliament
- the degree of remorse, or otherwise, expressed by the applicant and their motivation to change



5.	What penalty was awarded?
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6.	Was this a one-off, or one of several criminal actions?
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7.	Can you explain in more detail the circumstances / situation which lead to the offences?
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**Mitigating Circumstances:**

8.	Has there been a change in your circumstances that is relevant to the conviction since the offence? E.g. financial or domestic situation.
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9.	How do you feel about the offence? (Check attitude to offence)
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10.	Any other questions interviewer may wish to ask.
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**Other:**

11.	Are you subject to any Police Investigation at present? Can you give further details?
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12.	Is there a probation officer assigned to you?
13.	Is there anything else we would need to consider/ you wish to draw to our attention?

**Interviewer's signature .....**

**Interviewee's signature.....**

# New Contract Form

## For NON-TEACHING staff in Education

This form provides information relating to the **set up of a NEW CONTRACT or CASUAL AGREEMENT** either for a new starter, or to offer a new role to a current employee. The form ensures the required employment checks are conducted and the contract of employment is accurately administered. **This form SHOULD NOT be used for teaching staff and MUST be accompanied by a New Starter Form for new employees.**

For assistance with this form or the process for which this form is part, or to submit the completed form, please contact; WES HR Administration, Wedgnoek House, Wedgnoek Lane, Warwick CV34 5AP

Email: [weshradmin@we-learn.com](mailto:weshradmin@we-learn.com) or Tel: 0845 1550 107 or Web.:

[www.warwickshire.gov.uk/wes](http://www.warwickshire.gov.uk/wes)

FOR OFFICE USE ONLY	DATE	HRMS ID		DATE	HRMS ID	Comments & Documents
Received			Verification			
Input			Filed			

### Clearance & Check Details

Type of Clearance	Date Check Completed	Evidence Obtained	Notes
References (two are required) <sup>1</sup>			
Qualification Certificates <sup>1</sup>			
Evidence of Eligibility to Work in the UK <sup>2</sup>			
CRB / ISA <sup>2</sup>		<input type="checkbox"/>	
Medical Clearance (see New Starter Form) <sup>2</sup>		<input type="checkbox"/>	
P45 <sup>2</sup>		<input type="checkbox"/>	
LGPS Membership form <sup>3</sup>		<input type="checkbox"/>	

\*it is the responsibility of the organisation / school to obtain the necessary checks / clearances, <sup>1</sup>retain for your records, <sup>2</sup>attach for processing by the HR Admin Centre, <sup>3</sup>if employee is eligible for the LGPS.

### Candidate / Employee Details

Forename(s)	
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Surname(s)		Title (e.g. Mr, Mrs)	
For CURRENT EMPLOYEES please provide the employee number			
For NEW EMPLOYEES this form MUST be accompanied by a New Starter Form.			

### Position Details

Job Title			
Organisation / School			
JEID Number*		*applicable for all single status positions	

## Position Details

This section provides details of the position (stated above) within the organisation / school that is being filled by a new starter. **This section does not need to be completed if the position being filled already exists e.g. has already had someone undertake the job.**

### Salary Details

Salary Grade			
Are there any restrictions on progression through the grade?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Will the assignment receive any enhancements or allowances?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If YES, please provide details in the Additional Information section of this form			
Will the assignment have automatic increments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Please provide a breakdown of how the salary will be distributed across centres. Where this is from only one centre then this should be a 100% split for one centre. If this is to be across more than two centres then please continue in the additional information section.			
Centre	Fund Indicator	Ledger	% Split

### Working Conditions

Work Base / Location	
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Payslip Location*	<input type="checkbox"/> Office / School	<input type="checkbox"/> Home	*payslips will normally be delivered to the office / school
Working Time	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Full-time	
Hours Per Week		Working Weeks Per Year	

### Additional Information

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## Contract Details

This section provides information regarding a contract being offered to a new starter within the organisation / school. This information is used to ensure that the contract is set up on the HR system correctly and the employee given a correct contract of employment.

### Contract Details

Employment Start Date		Agreed Spinal Column Point	
Contract Type (please select this from the options below)			
<input type="checkbox"/> Permanent			
<input type="checkbox"/> Casual	If CASUAL you MUST provide the expected period of employment		
<input type="checkbox"/> Fixed-term	If FIXED-TERM you MUST provide an end date		
If FIXED-TERM you must provide the reason for the contract below			
<input type="checkbox"/> Covering absence of post-holder (including; vacancy, maternity, sickness, secondment, career break etc.)			
<input type="checkbox"/> Undertake period of secondment or acting-up			
<input type="checkbox"/> Undertake a project or specific piece of work			
<input type="checkbox"/> Pending receipt of required qualification (provide name and level of qualification below e.g. QTS)			
Qualification			
<input type="checkbox"/> Provide support for a Statemented Child (provide the name of the child below)			
Child's Name			
If PERMANENT or FIXED-TERM, please provide the following information;			
Working Time	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Full-time	also provide the hours and weeks worked below;
Hours Per		Working Weeks Per Year*	

Week			
*Where the working weeks per year being offered relate to term-time only working and are less than those of the full-time position, the contract will be processed as an elected term-time only position.			

**Additional Information**

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**Head Teacher / Manager's Declaration**

I certify that I have the authority to make this request and have provided information that is accurate to the best of my knowledge and belief. I recognise that failure to declare any relevant information or the provision of false or misleading information may result in appropriate action being taken.			
Job Title			
Name		Contact Tel. No.	
Signature		Date	

# New Contract Form

## For TEACHING staff in Education

This form provides information relating to the **set up of a NEW CONTRACT or CASUAL AGREEMENT** either for a new starter, or to offer a new role to a current employee. The form ensures the required employment checks are conducted and the contract of employment is accurately administered. **This form MUST be used for teaching staff and MUST be accompanied by a New Starter Form for new employees.**

For assistance with this form or the process for which this form is part, or to submit the completed form, please contact; WES HR Administration, Wedgnock House, Wedgnock Lane, Warwick CV34 5AP  
 Email: [weshradmin@we-learn.com](mailto:weshradmin@we-learn.com) or Tel: 0845 1550 107 or Web.: [www.warwickshire.gov.uk/wes](http://www.warwickshire.gov.uk/wes)

FOR OFFICE USE ONLY	DATE	HRMS ID		DATE	HRMS ID	Comments & Documents
Received			Verification			
Input			Filed			

### Clearance & Check Details

Type of Clearance*	Date Check Completed	Evidence Obtained	Notes
References (two are required) <sup>1</sup>			
Qualification Certificates <sup>1</sup>			
Evidence of Eligibility to Work in the UK <sup>2</sup>			
CRB / ISA <sup>2</sup>		<input type="checkbox"/>	
Medical Clearance (see New Starter Form) <sup>2</sup>		<input type="checkbox"/>	
P45 <sup>2</sup>		<input type="checkbox"/>	
Job Application Form <sup>3</sup>		<input type="checkbox"/>	
Post Threshold Certificate <sup>4</sup>		<input type="checkbox"/>	

\*it is the responsibility of the organisation / school to obtain the necessary checks / clearances, <sup>1</sup>retain for your records, <sup>2</sup>attach for processing by the HR Admin Centre, <sup>3</sup>Required to undertake a salary assessment, <sup>4</sup>attach for processing by the HR Admin Centre as appropriate for teaching staff.

### Candidate / Employee Details

Forename(s)	
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Surname(s)		Title (e.g. Mr, Mrs)	
For CURRENT EMPLOYEES please provide the employee number			
For NEW EMPLOYEES this form MUST be accompanied by a New Starter Form.			

### Position Details

Job Title	
Organisation / School	

## Contract Details

This section provides information regarding a new contract being offered to a new starter or an existing employee within the organisation / school. This information is used to ensure that the contract is set up on the HR system correctly and the employee given a correct contract of employment.

### Contract Details

Employment Start Date		Full Time Equivalent (FTE)	
Contract Type (please select this from the options below)			
<input type="checkbox"/> Permanent			
<input type="checkbox"/> Casual	If CASUAL you MUST provide the expected period of employment		
<input type="checkbox"/> Fixed-term	If FIXED-TERM you MUST provide an end date		
If FIXED-TERM you must provide the reason for the contract below			
<input type="checkbox"/> Covering absence of post-holder (including; vacancy, maternity, sickness, secondment, career break etc.)			
<input type="checkbox"/> Undertake period of secondment or acting-up			
<input type="checkbox"/> Undertake a project or specific piece of work			
<input type="checkbox"/> Pending receipt of required registration or qualification (provide name and level of qualification below e.g. GSCC or QTS)			
Registration / Qualification			
If PERMANENT or FIXED-TERM, please provide the following information;			
Working Time	<input type="checkbox"/> Part-Time	<input type="checkbox"/> Full-time	If, PART-TIME provide the hours to be worked
			Hours Per Week

### Teaching Salary Details

All teaching positions will have an appropriate Salary Assessment undertaken before they are input onto the payroll system. The information below is required to make such an assessment.

<input type="checkbox"/> Unqualified	<input type="checkbox"/> Main Scale	<input type="checkbox"/> Upper Pay Spine	<input type="checkbox"/> Advanced Skills
<input type="checkbox"/> Assistant Head	<input type="checkbox"/> Deputy Head	<input type="checkbox"/> Head Teacher	
Spinal Column Point (or ISR and Group as appropriate)			
Will the teacher receive a TLR allowance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If YES, please state which range they will receive	<input type="checkbox"/> Range 1	<input type="checkbox"/> Range 2	
Please state the value of the TLR to be given	£		
Will the teacher receive a Special Needs allowance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If YES, please state the value of the allowance to be given	£		
Will the teacher receive any other allowance(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If YES, please provide details below;			

### Salary Costing Details

Please provide a breakdown of how the salary will be distributed across centres. Where this is from only one centre then this should be a 100% split for one centre. If this is to be across more than two centres then please continue in the additional information section.

Centre	Fund Indicator	Ledger	% Split

### Additional Information

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### Head Teacher / Manager's Declaration

I certify that I have the authority to make this request and have provided information that is accurate to the best of my knowledge and belief. I recognise that failure to declare any relevant information or the provision of false or misleading

information may result in appropriate action being taken.

Job Title			
Name		Contact Tel. No.	
Signature		Date	