



Believing and Achieving Together

### 1 Scope

This code of practice is recommended for adoption by the governing bodies of all schools. Catholic and Church of England voluntary aided schools may also refer to specific guidance published by the Catholic Education Service and National Society.

The code applies to the recruitment and selection of all employees appointed by the school, whether permanent or fixed-term and full-time or part-time. Specific requirements apply to the recruitment of headteachers and deputy headteachers, which are contained in separate guidance. Schools should also apply relevant parts of the code of practice to the recruitment of unpaid volunteers, as described in the section regarding the application of the recruitment and selection procedure below.

### 2 Purpose

The purpose of this code of practice is to ensure that the recruitment and selection process is carried out in a fair, efficient and cost-effective manner and takes account of relevant legislation and the school's Equality in Employment Policy. It will assist everyone involved in the recruitment and selection process to understand their role and responsibilities, and enable them to follow a fair procedure that does not unlawfully discriminate on the basis of characteristics that are protected.

### 3 Policy Statement

This policy recognises that recruiting a skilled and effective schools' workforce is important in improving the outcomes for children and young people in Northumberland and ensuring the best use of available resources.

It reflects the commitment of the governing body to:

- recruit the best staff, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation;
- aim to make the workforce representative of the community that the school serves and remove barriers to employment for under-represented groups;
- safeguard and promote the welfare of children and young people, which it expects staff and volunteers to share;
- recruit within the law and according to best practice;
- treat applicants with dignity and respect;
- ensure that the appointing officer/panel and recruitment administrators follow this code of practice; and
- support them to do so by ensuring that they understand their responsibilities and have access to appropriate training.

The governing body will treat seriously any allegation that an applicant has provided false information. This could result in:

- rejection of the applicant or dismissal of the employee if this comes to light after they have started work; and
- referral of the matter to the police and/or the Disclosure and Barring Service.

### 4 Legal Considerations

**Equalities legislation:** Employers must not discriminate, either directly or indirectly, against people on the basis of any of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, unless this can be objectively justified. This applies to all aspects of the recruitment process from advertising jobs through to appointing staff.

In very limited circumstances the law allows employers the defence of an “occupational requirement” (OR) to specify that because of the intrinsic nature of a particular job only people with a particular protected characteristic are eligible.

Other than in very limited circumstances the law prevents employers from asking questions about an applicant’s health or sickness absence record until they have been conditionally offered the job.

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

**Safeguarding children and young people:** It is a legal requirement that schools check all appointed applicants against the Disclosure and Barring Service’s Children’s Barred List and it is a criminal offence for the school as the regulated activity provider to knowingly appoint someone who is barred from regulated activity with children. It is also a legal requirement that the appointed applicant obtains an enhanced certificate of criminal records from the Disclosure and Barring Service. An enhanced criminal records check and a check against the Children’s Barred List are also required for volunteers undertaking “regulated activity”.

A school is only entitled to request a check of the Children’s Barred List if an individual will be carrying out “regulated activity”. This includes:

- unsupervised activities involving teaching, training, instructing, caring for or supervising children, or providing advice/guidance on well-being, or driving a vehicle only for children on a regular basis, whether paid or voluntary; or
- work for specified places, including schools, on a regular basis with opportunity for contact with children, excluding supervised volunteers.

“Regular” is defined as once a week or more, four or more days in a 30-day period or overnight (between 2am and 6am, even if only once). The DfE has produced statutory guidance on whether a volunteer should be classed as “supervised”. There is no right to check the Children’s Barred List for supervised volunteers, however schools have discretion to request an enhanced criminal records certificate. This is explained in more detail in the Criminal Records Code of Practice.

Schools are also required to maintain a single central record of recruitment and vetting checks.

**Preventing illegal working:** Only applicants allowed to work in the UK under the Immigration, Asylum and Nationality Act 2006 can be appointed. Employing illegal workers can be both a civil and a criminal offence.

**Data protection:** People applying for jobs have a legal right to see their interview notes, and in some circumstances their references, if they make a request for access

to their personal data under the Data Protection Act 1998.

### 5 Roles and Responsibilities

**Governing body:** The governing body has overall responsibility for all staff appointments. Under the School Staffing (England) Regulations 2009 for maintained schools it may decide to delegate responsibilities for appointing staff (except the headteacher or a deputy headteacher) to one or more governors, to the headteacher or to one or more governors and the headteacher together. Statutory guidance states that governors should delegate the responsibility for all staff appointments outside the leadership group to the headteacher.

Members of the governing body may also be involved in dealing with grievances or complaints about the recruitment and selection process from applicants.

**Person(s) delegated to make appointment decisions:** The role of the appointing officer/panel is to ensure that the recruitment and selection process is carried out fairly, without unlawful discrimination and that children are not put at risk by failing to recruit staff in line with the procedures to safeguard children and young people. At least one of the persons making the appointment decision in a maintained school must have completed either the on-line or face-to-face safer recruitment training from an accredited training provider. The appointing officer/panel will:

- decide how the vacancy is to be filled;
- plan and manage the recruitment process;
- agree the job description, person specification and advert;
- decide whether to pay interview expenses;
- arrange shortlisting and appointment panels and appoint a chair (where relevant);
- select an applicant to appoint;
- make an offer of appointment to the selected applicant and explain that this is conditional on the necessary pre-appointment checks;
- check the selected applicant's sickness absence record with their referees after they have been conditionally offered the job;
- ensure all pre-appointment checks are satisfactory; and
- ensure a single central record of recruitment and vetting checks is maintained.

**Director of Children's Services and Diocesan representatives:** In community and voluntary controlled schools the postholder designated as Director of Children's Services has the right for their representative to attend and give advice on teacher appointments. Foundation and voluntary aided schools have agreed to give these rights to the Director of Children's Services representative and, where relevant, the appropriate diocesan authority.

**Recruitment administrator:** An identified school administrator is responsible for managing the administration of the recruitment and selection process and will:

- issue application packs;
- send an interview letter to and request references for shortlisted applicants;
- inspect and copy proof of identity and qualifications documentation provided by the selected applicant and arrange for them to complete a DBS application form and health declaration form;
- send documentation to Employee Services to enable pre-appointment checks to be carried out and a written statement of terms and conditions to be issued;
- maintain the recruitment file on behalf of the appointing officer/panel and retain this for four months following the appointment; and

- maintain the single central record of recruitment and vetting checks.

**School Support:** Providing that schools buy into an appropriate service level agreement, School Support Advisers will:

- provide advice on copywriting and appropriate media for recruitment adverts;
- liaise with the Council's advertising agency to place adverts in external media at the request of the school and arrange for costs to be recharged;
- place adverts under the Council's logo on the North East Jobs website; and
- provide documentation for schools to use during the recruitment and selection process that is compliant with safer recruitment guidance and equalities legislation.

**Employee Services:** Providing that schools buy into an appropriate service level agreement, Employee Services will:

- carry out pre-appointment checks for employees and unpaid volunteers and recharge any costs of criminal records checks to the school;
- issue statements of particulars to employees; and
- arrange for employees to be paid.

## 6 Application of the recruitment and selection procedure

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

- all stages of the recruitment and selection process will apply to paid employees;
- all stages will apply where unpaid volunteers who will be engaged in "regulated activity", are actively sought and there are candidates about whom there is little or no recent knowledge; and
- a streamlined process will apply where a parent well known to the school is approached to be a volunteer: seeking references, checking to ensure others in the community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person's aptitude and suitability, checking the DBS Children's Barred List and obtaining a DBS enhanced criminal records certificate if they will be undertaking regulated activity (there is discretion to obtain the DBS certificate even if they are not undertaking regulated activity).

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

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

## 7 Define the vacancy

The school's staffing structure is decided by the governing body through the school staffing structure review process. The current school structure should be included as an annex to the school's Pay Policy and include the number, type and pay/grading of teaching and support staff posts.

The following details need to be clear before starting the recruitment process:

- the job role;
- whether teaching or support staff terms and conditions apply;

- the pay and grading of the post, which should be determined by job evaluation in the case of new or revised support staff posts;
- whether the post is full- or part-time and, if part-time, the number/pattern of hours of work and whether a variable hours contract is appropriate;
- in the case of support staff posts whether the post is required full year or part year and, if part year, the number/pattern of days to be worked; and
- the duration of the contract to be offered to the appointed applicant.

The number of hours and the duration of the contract is determined by the governing body. The factors to consider in whether the appointment is full-time or part-time and permanent or fixed-term are set out in the Guidance Note on Establishing and Changing Contracts of Employment.

### 8 Define the scope of the recruitment process

In the case of maintained schools all vacancies will normally be advertised to external applicants as well as current employees of Northumberland County Council and its maintained schools. In the case of academies all vacancies will normally be advertised to external applicants as well as current employees of the academy. This promotes open competition, avoids indirect discrimination and attracts a wider field of applicants to select from.

The school **will** restrict the recruitment process for a vacancy in the following circumstances:

- where there is an existing employee at the school (or within the federation/multi-academy trust) who must be considered for redeployment because s/he is under notice of dismissal or at risk of dismissal on grounds of redundancy, capability (from ill health, disability or poor performance), conduct (except gross misconduct), contravention of a statutory enactment or for some other substantial reason and the vacancy may be suitable alternative employment, as set out in the Alternative Employment Policy and Procedure;
- where the school structure review process has determined that the appropriate method of appointment to the post is “ringfencing” or “slotting in”, as set out in the Procedure for Reviewing School Staffing Structures; or
- where the school has agreed within its Alternative Employment Policy and Procedure to always give priority consideration to employees from other schools or the local authority who are under notice of dismissal or at risk of dismissal on grounds of redundancy, capability (from ill health, disability or poor performance), conduct (except gross misconduct), contravention of a statutory enactment or for some other substantial reason if the vacancy may be suitable alternative employment.

The school **may** decide to restrict the recruitment process for a vacancy in the following circumstances:

- where the school agrees on this occasion to give priority consideration to employees from other schools or the local authority who are under notice of dismissal or at risk of dismissal on grounds of redundancy, capability (including ill health, disability or poor performance), conduct (except gross misconduct), contravention of a statutory enactment or for some other substantial reason if the vacancy may be suitable alternative employment, as set out in the Alternative Employment Policy and Procedure;
- where the vacancy can be filled without advertising by converting an employee’s contract from fixed-term to permanent (subject to the postholder having been recruited through open competition in the first instance);

- where the vacancy can be filled without advertising by transferring an employee from another post within the school at the same pay range/band (if more than one person is interested in transferring, a selection process should take place);
- where an employee asks to “step down” to a lower-paid job;
- where a post is already covered by job sharing and one of the sharers leaves as the remaining sharer should be offered the option of holding the post full-time; or
- where a vacancy arises within four months of the same or a similar one having been filled as the school may appoint one of the previously unsuccessful applicants without advertising the position, as long as the applicant meets all of the essential criteria in the person specification.

### 9 Define the job description

The job description is a statement of the purpose and responsibilities of the post. The appointing officer/panel must ensure it is up-to-date before the post is advertised. Consultation with existing staff is needed if the proposed changes to the job description are significant.

The job description should include:

- the job title;
- the pay band/range and any additional payments that apply;
- the post to which the holder is responsible;
- the posts for which the holder is responsible;
- the job purpose or main function;
- the main duties and responsibilities;
- the post’s responsibility for promoting and safeguarding the welfare of children and young people;
- a statement about the school’s commitment to safeguarding children and young people: for example, “We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to do the same”; and
- the date of the latest revision.

Northumberland County Council provides model job descriptions for teaching and support staff posts in schools. If a school that has implemented Single Status considers that none of the model job descriptions for support staff posts apply, or they wish to amend an existing generic or school-specific job description, they should prepare their own job description using the standard template and ask the Council to use the job evaluation scheme to identify an appropriate grade by completing the grading assessment request form.

### 10 Decide if this vacancy has an “occupational requirement” (OR)

In very limited circumstances the law allows employers the defence of an “occupational requirement” (OR). In these cases the employer is able to specify that because of the intrinsic nature of a particular job, only people with a particular protected characteristic are eligible. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation

These circumstances are likely to be rare within non-faith schools but if you consider that an OR may apply, contact your HR adviser before taking further action.

In voluntary aided schools with a religious character an OR may apply to some posts on the grounds that the appointed applicant needs to be of a particular religion.

Consideration must be given to:

- the nature, type and role of the post (for example, whether the post is responsible for leading school worship or providing religious leadership within all or part of the school);
- whether the post requires detailed knowledge or commitment to a religion which could only be obtained by being of that particular faith;
- the extent to which the duties for which an OR is being considered represent a substantial part of the post and whether the objectives of the job could be achieved without requiring a particular faith; and
- whether the school already has sufficient employees who could carry out those duties without undue convenience.

An OR may be justifiable for the post of headteacher, deputy headteacher, religious education teacher or chaplain in a voluntary aided school or academy with a religious character, in which case it will be included as an essential criterion in the person specification. Additional guidance is published by the Catholic Education Service and Church of England National Society. Schools should consult their HR contact and Diocesan officer for advice.

Where the appointing officer/panel decide that an OR applies, a detailed written record must be made of the reasons for the decision.

### **11 Define the person specification**

The person specification describes the skills and abilities needed to carry out the post. The appointing officer/panel must ensure it is up-to-date before the post is advertised. It cannot be amended once the recruitment process has begun.

The person specification must only contain criteria that:

- are objective, fair, measurable and do not discriminate unlawfully; and
- genuinely affect job performance and can be justified.

The person specification must not include, unless there is objective justification to do so:

- general qualifications as an entry requirement (for example, five GCSEs);
- a specific number of years of experience (it should be defined in terms of type and level);
- a requirement that a teacher is either on the main payscale or the upper payscale;
- age as a condition or as an indicator of experience or maturity; or
- physical requirements that could exclude people with disabilities.

The following requirements should be included in the person specification:

- ability to safeguard and promote the welfare of children including motivation to work with children, forming and maintaining appropriate relationships and personal boundaries with children and young people, emotional resilience in working with challenging behaviours and attitudes to use of authority and maintaining discipline;
- no disclosure about criminal convictions or a safeguarding concern that makes applicant unsuitable for this post;
- any occupational requirement (OR) that applies; and

- a statement about the school's commitment to safeguarding children and young people: for example, "We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to do the same".

### 12 Plan the recruitment exercise

The appointing officer/panel should identify the key timescales for the different stages of the recruitment process and allow sufficient time at each stage so that safeguarding requirements are met: for example, the process must allow references for short-listed applicants to be obtained before interview.

Applicants should be given advance notice of the planned interview dates in the advert or application pack.

In the case of a teaching appointment, the plan may need to consider resignation dates in case the selected applicant is already employed as a teacher. These are:

- Autumn Term: 31 October (30 September for headteachers)
- Spring Term: 28 February (31 January for headteachers)
- Summer Term: 31 May (30 April for headteachers).

### 13 Prepare the job advert

Except as detailed in the 'Define the vacancy' section above, all vacancies will be available to both external and internal applicants. The appointing officer/panel must prepare an advert, decide the publications it is to be placed in and the closing date (usually two weeks later).

The appointing officer/panel should send their School Support Adviser:

- details of the publication(s) and date(s) the advert is to appear in and the closing date; and
- the text of the proposed advertisement using the advert template provided including a statement about the school's commitment to safeguarding children and young people (for example "We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment"), the need for the selected applicant to obtain an enhanced certificate of disclosure from the Disclosure and Barring Service and any "occupational requirement" (OR) that applies.

All adverts will be included under the Council's logo on the North East Jobs website at no cost. Any external adverts will be subject to the publication deadlines of the relevant newspaper or external publication and costs will be recharged to the school.

Schools may decide to use the online portal provided by TES Highwire as the method of handling applications. Further details are available from your School Support Adviser.

### 14 Decide the content of the application pack

People enquiring about a job should receive:

- the job advert;
- an application form and guidance notes;
- the job description and person specification;
- a statement that includes information about the safeguarding checks that will be made about the short-listed and appointed applicants;
- criminal records disclosure form;



- the school's child protection policy statement;
- the school's equal opportunities policy;
- for teaching posts, information about the school's policy on pay ranges, starting salaries and pay progression; and
- any additional information about the area, school or job that the appointing officer/panel decide to provide, such as the school prospectus or school improvement plan.

The Catholic Education Service provides its own application forms for leadership posts, teachers and support staff. The National Society provides its own application forms for teachers and headteachers in Church of England voluntary aided schools.

### **15 Set up the recruitment file**

The recruitment administrator should set up a recruitment file and update it during the recruitment process. This information must be treated confidentially and stored securely. It must be retained for four months following the appointment and include copies of the following:

- job description, person specification and any additional information provided to applicants;
- a written record of the reasons for an "occupational requirement" (if this applies);
- job advert;
- application forms;
- criminal records disclosure forms;
- record of shortlisting decisions;
- interview notes and a record of the decisions made and reasons why;
- lesson observations, test results and other forms of assessment (if this applies);
- reference request letters and references received;
- any correspondence with candidates (except correspondence with the appointed applicant which should be kept in their personal file); and
- additional documents for the appointed applicant as set out in the Offer of employment and pre-appointment checks section below.

### **16 Handling applications**

#### **16.1 Sending out applications**

The recruitment administrator will send out the application pack to applicants.

#### **16.2 Receiving and acknowledging applications**

The recruitment administrator should scrutinise the application form to ensure that it is fully completed and that the self-disclosure of criminal convictions form has been returned. Incomplete applications should not be accepted and should be returned to the applicant for completion.

Completed forms should be returned by the closing date. The recruitment administrator will contact the appointing officer/panel to ask if they will accept any applications received after the closing date. Late applications should not be accepted once the short-listing process has started.

The school may choose not to acknowledge application forms or contact people who have not been short-listed due to the costs involved.

### 16.3 **Alternative formats**

Disabled people may choose to apply for jobs in large print (16 point), Braille, on audio tape or in Word or HTML formats. Advice on these formats is available from Employee Services.

CVs should not be accepted as an alternative to the application form as they will only contain the information the applicant wishes to present and may omit relevant details.

### 16.4 **Applicant's relationship with a governor or senior staff**

An applicant must tell the school about any relationship with a governor or senior staff in the school when they are applying for a post.

Under the Code of Conduct staff must declare their relationship to an applicant for a job in the school to the headteacher.

### 16.5 **Canvassing**

Any applicant who canvasses (tries to influence others to gain an advantage in the recruitment process) or allows someone to canvass on their behalf will be disqualified from further consideration.

## 17 **Short-list applicants**

### 17.1 **Short-listing process**

Applications should be short-listed by at least two people who will be involved in the interview panel. As far as possible, the short-listing panel should have a reasonable balance of men and women.

All applications should be scrutinised to ensure that the information provided is consistent and does not contain any discrepancies. Any gaps in employment should also be identified. Any anomalies or discrepancies or gaps in employment should be noted and consideration of the totality of these may influence whether the applicant is short-listed.

The short-listing panel will review each application form and assess that applicant against the person specification for the post. Any applicant who does not meet the minimum essential criteria should not be included on the short-list. The Council holds the "two ticks" symbol to reflect its commitment to support the employment of people with disabilities and it is therefore policy to guarantee an interview to all disabled applicants who meet the essential criteria. The interview will be in competition with other applicants.

A record of each decision should be made on the short-listing form.

The short-listing form and the application forms of the successful and unsuccessful applicants should be returned to the recruitment administrator.

### 17.2 **Contacting short-listed applicants**

The recruitment administrator will check if any of the short-listed applicants have asked for adjustments to the interview arrangements on the application form and make the necessary arrangements.

The recruitment administrator will send a letter to the short-listed applicants inviting them to an interview/other assessment and enclose an interview expenses claim form (where the school's policy is to pay these).

### 17.3 Take up references and verify facts

All short-listed applicants must provide two referees, one of which must be the current or most recent employer. References must be requested direct from the referee. References provided by the applicant or open references addressed “to whom it may concern” should not be considered.

Written references must be requested before the interview and made available to the appointing officer/panel. The recruitment administrator will write to the referees and enclose the reference request form, job description and person specification. The reference request form must not contain any questions about the applicant’s sickness absence record as this can only be asked at the end of the recruitment and selection process when a selected applicant has been conditionally offered the job. It must also not ask for information about any allegation of abuse that was proven to be false, unsubstantiated, unfounded or malicious nor about any history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc.

In exceptional circumstances it may not be possible to obtain references prior to interview, either because of delay on the part of the referee or because the candidate strongly objects to the current employer being approached at this stage but that will be the aim in all cases. It is up to the appointing officer/panel to decide whether to agree to a candidate’s request to approach their current employer only if they are the preferred applicant after the interview.

If a short-listed applicant claims to have some specific qualification or previous experience that is particularly relevant to the post that will not be verified by a reference, the appointing officer/panel should contact the relevant previous employer and ask for written confirmation of the facts.

## 18 Assessment and making the selection decision

### 18.1 Interview panel

The interview panel must include the delegated person(s) with the authority to make the appointment. One-to-one interviews are not recommended and, as far as possible, the panel should have a reasonable balance of men and women.

People other than the delegated person(s) can be on the interview panel. This may include people external to the school, for example, where there are partnership arrangements in place. Their role should be viewed as advisory and only the appointing officer/panel with the delegated authority to do so can make the final decision to appoint staff.

The panel must meet before the interviews to:

- agree their interview questions to assess the relevant criteria on the person specification; and
- note the issues to be explored with each candidate based on the information provided in the application form, self-disclosure of criminal convictions form and references including any anomalies, gaps in employment, reasons for a history of repeated changes of employment without any clear career or salary progression or reasons for a mid-career move from a permanent to a supply post.

### 18.2 Conducting the interview

All applicants should be asked a series of common questions based on the requirements for the post set out in the person specification with individual supplementary questions to probe each applicant's response. Hypothetical questions should be avoided because they allow theoretical answers. It is recommended that competence based questions requiring an applicant to explain how they have dealt with an actual situation or questions that test an applicant's attitudes and understanding are asked. Responses should be probed sufficiently to make sure the panel is satisfied it has enough information to judge whether the applicant meets the criteria in the person specification.

The appointing officer/panel must always ask for information about previous employment and get satisfactory explanations for any gaps in employment, discrepancies in the information provided or repeated changes in employment.

The selection process for all posts in schools must include an assessment of each applicant's suitability to work with children. Appropriate questions must be asked at interview to assess this including the applicant's:

- attitude towards children and young people and their motivation to work with them;
- ability to form and maintain appropriate relationships and personal boundaries with children;
- emotional resilience in working with challenging behaviours; and
- attitudes to use of authority and maintaining discipline.

The interview panel must discuss the criminal records disclosure form with each applicant, even if no convictions have been declared. The appointing officer/panel should consider any information disclosed under the guidance set out in the Criminal Records Code of Practice for Schools.

Except in very restricted circumstances the interview panel cannot ask any questions about an applicant's health, disability or sickness absence record until they have been conditionally offered the job. Instead, the panel should ask questions about whether the applicant has the relevant skills, qualities and experience to do the job, not about their health or about any disability they may have. An exception is where the question relates to a person's ability to carry out a task that is intrinsic to the job but even then the panel must ask about a disabled person's ability to carry out the task with reasonable adjustments in place. The appointing officer/panel should seek HR advice before doing so.

The interview panel must discuss any discrepancy or concern about the information provided by a referee with the applicant. If references have not been received before the interview, the applicant must be asked at interview if there is anything s/he wishes to declare or discuss in light of the questions that have been put to the referee.

The appointment panel must keep a written record of the interview to summarise each applicant's answers.

### 18.3 Other forms of assessment

The appointment panel may choose to use one or more other methods of assessment in addition to the interview. Examples include:

- Lesson observation or other interaction with children and young people: Observing applicants as part of the formal assessment process is an ideal opportunity to assess how they deal with children and young people. This may be by observing a lesson or through a structured task that directly involves children, young people, parents and carers or other stakeholders in the recruitment process. The appointing officer/panel must make sure that participants are effectively briefed on their role within the process and that it is the professional judgement of assessors about the interaction of the candidate with young people that is taken into account;
- Presentation: Presentations can demonstrate an applicant's knowledge as well as verbal communication and presentation skills;
- Psychometric tests: This refers to a collection of ability tests and personality questionnaires which when interpreted compare the applicant against the results of a standardised reference group. Testing should only be conducted by qualified and appropriately licensed staff, and only validated tests and questionnaires obtained from reputable agencies should be used. Advice on the choice and use of tests is available from the Corporate HR team, who will operate in accordance with the Council's Psychometric Testing Code of Practice;
- Visits: These should be offered to all short-listed applicants if used. It should be made clear to applicants in advance whether the visit is formally part of the assessment process.

In all cases the appointment panel must identify which criteria in the person specification are being assessed by each method used.

Reasonable adjustments must be made for disabled persons where the assessment method would put them at a disadvantage. The applicant may need to complete tests or presentations in alternative formats, be allowed more time or have a support worker.

### 18.4 **Making the selection decision**

At the end of the interviews and any other assessments the appointment panel should discuss the evidence presented by each applicant and agree who best meets the person specification and the reason why. A summary of the decision must be recorded with enough detail to ensure that the reasons are clear in case of any future complaint about the recruitment process.

### 18.5 **Contacting interviewed applicants**

The appointing officer/panel must make arrangements to tell short-listed applicants the outcome of their application as soon as possible. Applicants with a sight or hearing difficulty must be contacted in the appropriate way, for example, a phone call or in Braille for people with a sight difficulty or by letter or minicom for people with a hearing difficulty.

Both internal and external applicants may ask for feedback on how they performed during the selection process and the appointing officer/panel should make appropriate arrangements.

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

### 19.1 **Conditional offer of employment**

Any offer of appointment must be made on the condition that the applicant satisfactorily meets the required pre-appointment checks listed in Appendix 1. It is the responsibility of the appointing officer/panel to ensure that the checks have been carried out, decide whether the outcome is satisfactory and ensure that school's single central record of recruitment and vetting checks is updated.

The appointing officer/panel should confirm the conditional offer of employment in writing.

In any case where a reference was not obtained for the appointed applicant before interview, the appointing officer/panel should ensure that it is received and scrutinised with any concerns resolved satisfactorily before the person's appointment is confirmed.

In all but very restricted circumstances applicants can only be asked about their health, disability and sickness absence history when they are conditionally offered the job. The appointing officer/panel should request information about the selected applicant's sickness absence history from their referees at this point in the process. The reference request form includes space for the appointing officer/panel to record this information if they decide to telephone the referees.

There is also a duty to make reasonable adjustments for disabled people. When deciding whether an adjustment is reasonable the appointing officer/panel will need to consider:

- how effective the change will be in avoiding the disadvantage the disabled person would otherwise experience;
- its practicality;
- the cost;
- the organisation's resources and size; and
- the availability of financial support.

In the case of community and voluntary controlled schools the local authority must appoint the candidate recommended by the school's appointment panel unless they fail to meet one of the requirements relating to qualifications, health and physical capacity, professional registration or conduct.

### 19.2 Documentation requirements

The recruitment administrator must arrange to inspect and copy for the selected applicant:

- identity documents including photographic evidence;
- the specific proof of identity documents required for an application for an enhanced certificate of criminal records from the Disclosure and Barring Service;
- the specific proof of identity documents required to show the right to work in the UK or any documents required to submit an application for entry clearance or leave to remain in the UK under the points based immigration system; and
- certificates, diplomas or letters of confirmation for the academic qualifications that the applicant has stated on their application form.

The recruitment administrator must then complete:

- the DBS documentary evidence sheet; and

- Appendix 1 of the Immigration, Asylum and Nationality Act 2006 form.

The recruitment administrator must also ask the selected applicant to complete:

- a DBS application form then complete section W (but not X, Y or Z) themselves), unless the applicant has produced a valid DBS certificate for inspection and has subscribed to the DBS Update Service (as set out in the Guidance Notes for Appointing Officers on Checking DBS Certificates);
- a pre-employment health declaration form (then complete details about the job and appointing officer themselves).

The headteacher or recruitment administrator, as appropriate, must complete and sign the NCC Appointment Statement for Teachers or Support Staff, the DBS documentary evidence sheet and the DBS certificate confirmation form before they are sent to Employee Services. These confirm the pre-appointment checks that have already been satisfactorily completed and the terms and conditions for the post.

These forms must be sent to Employee Services with:

- the appointed applicant's application form;
- their criminal records declaration form;
- two references received;
- pre-employment health declaration form;
- DBS application form (or a copy of the top section of a valid original DBS certificate that has been inspected and where the DBS Update Service has confirmed this can be relied upon by the appointing officer);
- copies of the proof of identity documents obtained;
- copy of conditional offer of employment letter; and
- job description for the post.

Employee Services will take up any outstanding pre-appointment checks (including checking the Children's Barred List if "respite measures" are being used) and issue a written statement of terms and conditions to the appointed applicant.

Specific arrangements for unpaid volunteers:

A Children's Barred List check can only be requested if a volunteer is undertaking "regulated activity". An enhanced criminal records check is also required for volunteers undertaking "regulated activity"; the school has discretion whether to request an enhanced criminal records check for volunteers not undertaking "regulated activity" i.e. volunteers working on an irregular basis or as supervised volunteers. The definition of "regulated activity" is explained in the Legal considerations section above.

Schools will need to identify in each case whether the level of supervision of a volunteer is sufficient to decide they are not undertaking "regulated activity". The law requires that supervision must be reasonable in all the circumstances for the purpose of protecting any children concerned, which gives each school the flexibility to determine what is reasonable in each individual case. The duty that supervision must take place "on a regular basis" means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off, becoming the exception not the rule. It must

take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time. The level of supervision may differ, depending on all the circumstances of a case. Headteachers should consider the following factors in deciding the specific level of supervision they will require in an individual case:

- the age of the children concerned;
- the number of children that the individual is working with;
- whether or not there are other carers/ adults around;
- the nature of the individual's work or contact with the children;
- the vulnerability of the children;
- the experience of, and checks carried out on, the person being supervised;
- the number of people being supervised.

The decision regarding whether the individual is undertaking regulated activity must be kept under review.

Having decided that an individual is classed as an irregular or supervised volunteer and therefore not undertaking "regulated activity", headteachers should consider the following factors when considering whether to exercise discretion to seek an enhanced criminal records check:

- the duration, frequency and nature of contact with children;
- what the school knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer is well known to others in the community who are likely to be aware of behaviour that could give cause for concern;
- whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability; and
- any other relevant information about the volunteer or the work they are likely to do.

Further guidance on criminal records checks for unpaid volunteers is included in the Criminal Records Code of Practice for Staff and Volunteers in Schools.

### 19.3 **Identifying a start date**

The selected candidate must not be confirmed in post or start work until all the pre-appointment checks in Appendix 1 are satisfactorily completed.

The only exception is that the headteacher does have discretion for an individual to start work before the enhanced certificate of disclosure is received from the Disclosure and Barring Service, subject to certain conditions. These are set out in the Criminal Records Code of Practice for Schools. If this discretion is used, the headteacher must sign a declaration form confirming that these respite measures are to be used and send this to Employee Services.

### 19.4 **Starting salary**

The arrangements for starting salaries for teachers are set out in the school's Pay Policy. Under the Council's Single Status Agreement the starting salary is required to be the lowest point of the pay band for the post, unless there is an identified business case that justifies a higher starting salary following consultation with the HR Manager before an offer above the minimum point is made.

### 19.5 **Confirming the appointment**



Employee Services will write to the selected applicant to confirm their appointment once all pre-appointment checks are satisfactorily completed and the start date and starting salary are agreed. A written statement of terms and conditions will be issued within eight weeks of the start of employment; schools should check their copy to ensure that the statement matches their original instructions.

A record of pre-appointment checks undertaken by Employee Services will be retained on the employee's personal file held by the County Council. Employee Services will notify the appointing officer/panel of the outcome of any checks they undertake so that the school can maintain its single central record of recruitment and vetting checks.

### **19.6 Relocation expenses**

The governing body has discretion to pay the appointed candidate appropriate expenses if they need to relocate. Schools may decide to follow the Council's resettlement scheme or set their own arrangements within their Pay Policy.

### **19.7 Specific arrangements for Foreign Language Assistants**

The British Council requires FLAs to provide a range of documentary evidence before they are employed in the UK, including a criminal records check and health clearance from their native country. The school should ask the FLA to complete an application form and submit this to Employee Services with an appointment statement/changes form. The FLA does not need to demonstrate their right to work in the UK under the Asylum, Immigration and Nationality Act 2006.

## **20 Equalities monitoring**

Employee Services will provide the selected applicant with an equal opportunities data form to complete. This data will be processed in accordance with the Data Protection Act and is used on a confidential basis solely for the purpose of equalities monitoring.

## **21 Complaints**

An unsuccessful applicant will naturally be disappointed at their lack of success and may question the outcome. The appointing officer/panel will provide unsuccessful applicants with feedback on their applications and wherever possible will try to resolve a complaint informally.

However applicants may wish to pursue their complaint formally. Internal applicants should submit their complaint under the school's Grievance Procedure, which will be investigated within the timescales set out in that procedure. External applicants should submit their complaint in writing to the chair of governors, which will be investigated under the school's Complaints Procedure. Neither course of action prevents an applicant from making a complaint of unlawful discrimination to an Employment Tribunal within three months of the action they are complaining about taking place.

Individuals who make complaints about unlawful discrimination must not be victimised as a result of having done so.

### Appendix 1 – Pre-Appointment Checks

#### Overview

The selected applicant must satisfy checks on:

- identity;
- the Disclosure and Barring Service's Children's Barred List if they are undertaking regulated activity;
- criminal convictions by producing or obtaining a valid enhanced certificate of criminal records from the Disclosure and Barring Service;
- the right to work in the UK, or gain entry clearance or the right to remain in the UK under the points based immigration system;
- academic qualifications;
- references;
- previous employment history;
- medical fitness;
- relevant teachers must have qualified teacher status; and
- additional checks may be necessary if the selected applicant has lived outside the UK.

#### Identity

The appointing officer/panel must make sure that the selected applicant is who he or she claims to be. Proof of identity such as a birth certificate, driving licence or passport combined with evidence of address is acceptable. Some form of photographic identity must be seen by the appointing officer (only in exceptional circumstances will this be waived).

Specific proof of identity documents are required for an application for an enhanced certificate of disclosure from the Criminal Records Bureau and to confirm the selected applicant has the right to work in the UK, as set out below.

#### Disclosure and Barring Service's Children's Barred List

The appointing officer/panel is entitled to check whether the selected applicant is barred from working with children if they are undertaking regulated activity.

Anyone included in the Disclosure and Barring Service's Children's Barred List will commit a criminal offence if they engage, or seek or offer to engage, in the regulated activity from which they are barred. Engagement does not need to be frequent or intensive for the offence to be committed as any level of engagement is sufficient. If found guilty of this offence, the person will be liable, on conviction in a crown court, to imprisonment for up to five years, or to a fine at a level decided by the court, or both. If the case is heard by a magistrates' court, they will be liable to imprisonment for up to six months, or to a fine of up to £5,000, or both; or the magistrates' court may commit the case to the crown court for sentencing.

A regulated activity provider who knowingly allows someone to engage in regulated activity while barred will commit a serious offence. The offenders could be the governing body, individual governors or the delegated person(s) directly responsible for hiring the individual who was barred. The regulated activity provider will be committing the offence even if the barred person is not engaging in the activity frequently or intensively. Any level of engagement is sufficient. A regulated activity provider found guilty of this offence will be liable, on conviction in a crown court, to imprisonment for up to five years, or to a fine at a level decided by the court, or both. If the case is heard by a magistrates' court, the penalty

could be imprisonment for up to six months or a fine of up to £5,000, or both; or the magistrates' court may commit the case to the crown court for sentencing.

An enhanced certificate of criminal records from the DBS will identify whether the person is included on the Children's Barred List. A separate check of the Children's Barred List is required if the DBS certificate of disclosure remains outstanding and the delegated person(s) have used their discretion to allow the person to begin work under respite measures.

### **Criminal Convictions**

The delegated person(s) must ensure that the selected applicant does not have a criminal conviction that makes them unsuitable for the post. All new staff appointed to the schools workforce require an enhanced certificate of disclosure from the Disclosure and Barring Service, unless they are an unsupervised volunteer where the appointing panel may use its discretion to require a certificate. The procedure for obtaining a new DBS certificate, inspecting an existing DBS certificate and deciding whether it is satisfactory is set out in the Criminal Records Code of Practice for Schools. This includes the need to check proof of identity to make an application to the Disclosure and Barring Service (DBS) for an enhanced certificate of criminal records. There is a list of acceptable proof of identity documents (which is different to the list of acceptable proof of identity documents required for the right to work in the UK below) and a three-route process for verifying that identity.

### **Right to work in the UK**

The appointing officer/panel must ensure that the selected applicant has the right to work in the UK and is allowed to do the type of work they are being appointed to do.

There is a list of acceptable proof of identity documents (which is different to the list of acceptable proof of identity documents required for an enhanced certificate of criminal records from the DBS above).

Where the selected applicant does not have the right to work in the UK, the school can ask the authority to submit an application to the Border and Immigration Agency to gain entry clearance or the right to remain in the UK for the individual. This application will be made under the appropriate tier of the points based immigration system where this applies.

### **Academic qualifications**

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

### **References**

The appointing officer/panel must make sure that two satisfactory references are received for the selected candidate, one of which must be from the current or most recent employer. The references must be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed.

If the applicant is not currently working with children but has done so in the past, the appointing officer/panel should contact their previous employer to make sure they are suitable to work with this group.

The reference request should remind the referee that they have a responsibility to ensure that the reference is accurate, that relevant factual content of the reference may be discussed with the applicant and they may be subsequently contacted for clarification of any part of a reference. As all posts in schools involve working with children it should ask:

- about the referee's relationship with the applicant, for example, the nature of any working relationship, how long the referee has known the applicant and in what capacity;
- whether the referee is satisfied that the person has the ability and is suitable for the post based on the criteria in the person specification;
- whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the referee's concerns and the reasons for these.

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

- confirmation of the applicant's employment dates and positions held, salary;
- specific verifiable comments about the applicant's performance history and conduct;
- details of any current disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
- details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people including any in which the disciplinary sanction has expired and the outcome of those; and
- details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of or behaviour towards children or young people and the outcome of those concerns, for example whether the allegations or concerns were investigated, the conclusion reached and how the matter was resolved, excluding any allegations that were proven to be false, unsubstantiated, unfounded or malicious and any history of repeated concerns or allegations which have all been found to be unsubstantiated, malicious etc.

The reference request must not ask questions about an applicant's sickness absence history, however the appointing officer/panel should get this information (by telephone or in writing) for the selected applicant only after they have been conditionally offered the job.

If the appointing officer/panel telephones the referee for more information, a written record should be made and attached to the reference received from that referee.

The reference should be compared to the application form to ensure that the information provided is consistent. Any discrepancy in the information should be taken up with the applicant.

Any information about past disciplinary action or allegations should be considered by the delegated person(s) in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago and in which no further issues have been raised are not likely to cause concern. More serious or recent concerns or issues that were not resolved satisfactorily are more likely to cause concern.

### **Previous employment history**

The appointing officer/panel must discuss previous employment history with applicants at interview and ensure that there is a satisfactory explanation for any gaps in employment.

If an applicant for a teaching post is not currently employed as a teacher, the appointing

officer/panel should also check with the school, further-education institution or local education authority at which they were most recently employed to confirm details of their employment and their reasons for leaving.

### **Medical fitness**

Anyone appointed to a post involving regular contact with children or young people must be medically fit. The appointing officer/panel should consider advice from the Council's Occupational Health service.

The selected applicant will be asked to complete a pre-employment health declaration. This is assessed by Occupational Health and the applicant may be asked to attend Occupational Health in person to assess their fitness for that particular post.

### **Additional checks for staff who have lived outside the UK**

The DBS cannot access criminal records held overseas, but it is possible to submit an application while the applicant is overseas.

In a small number of cases, overseas criminal records are held on the Police National Computer and these would be revealed as part of a criminal record check. You must still verify the identity of an overseas applicant.

As the DBS cannot access criminal records held overseas, a criminal record check may not provide a complete picture of an individual's criminal record.

If you are recruiting people from overseas and wish to check their overseas criminal record, you should contact the embassy or High Commission of the country in question.

[Find contact details for embassies and High Commissions in the UK on the Foreign & Commonwealth Office \(FCO\) website.](#) You can also contact the FCO Response Centre Helpline on 020 7008 1500. If the foreign check needs translating, the embassy of the country concerned may be able to help.

You should try to obtain a certificate of good conduct and any other references from potential overseas employees. The standard of foreign police checks varies. To find out the standard, you should contact either the authorities in a particular country, or their embassy. Either you or the employee should obtain a certified translation of the certificate of good conduct.

**Note:** see section 19.7 for specific arrangements for Foreign Language Assistants