

	POLICY TITLE:	Appointment Procedure
Kingsmead Academy T/A Kingsmead School		
Committee/Person Responsible for Policy:		Head Teacher Finance, Strategy & Personnel sub-committee
Date Approved by Governing Body:		September 2021
Date of Last Review:		Term 6 – 2020/21
Next Review Due:		Term 6 – 2023/24

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September 2021 - Appointment Procedure
Author: Head Teacher

AIM

To ensure that the recruitment and selection policy complies with relevant and up to date employment and education legislation and national guidance.

This policy will be applied in accordance with the core values of Kingsmead School:

ASPIRATION & DETERMINATION

To recruit and retain high quality individuals who will work to maintain the highest standards in the School.

CARE

That in the application of the policy the School ensures that no employee receives less favourable treatment on grounds of sex, trans-gender status, sexual orientation, religion or belief, marital status, civil partnership status, age, race, colour, nationality, national origins, ethnic origin, disability or part time status.

1. Introduction

- 1.1 Staff are the most important and valuable resource and play a major role in the delivery of quality teaching and learning in our school. The purpose of this policy is to support safe and fair recruitment practices that are rigorously enforced, allowing a coherent and consistent approach to recruiting and retaining staff of the highest caliber.
- 1.2 This policy will apply to all teaching and support staff appointments. Adherence to this policy will ensure that appointments to Kingsmead's workforce are conducted fairly and meet statutory obligations and good practice. The policy also highlights areas that are relevant to other individuals who regularly work in the school such as volunteers and contractors.
- 1.3 The Governing Body has overall responsibility for all staff appointments in its school. However, it may delegate responsibility for any or all appointments, with the exception of the posts of Head Teacher and Deputy Head Teacher, to the Head Teacher, an individual Governor or a group of Governors.
- 1.4 At Kingsmead, a minimum of three members of the Governing Body form the selection panel for the Head teacher, Deputy and Assistant Head teacher appointments, and a minimum of one individual form the selection panel for other full time appointments, plus the Headteacher or representative and Head of Department/Line Manager of the position. It is acceptable for the Headteacher and or other nominated persons to appoint fixed term appointments without Governor representation in exceptional circumstances such as non-availability of Governors.
- 1.5 Where the Head Teacher is exercising delegated responsibility, this cannot be delegated to another person by the Head Teacher.

2. Statutory Framework

Keeping Children Safe in Education is statutory guidance issued by the Department of Education (2016). Schools and colleges (including Academies) must have regard to this guidance when carrying out their duties to safeguard and promote the welfare of children.

Further information can be found by clicking on the following link: [Keeping Children Safe in Education 2019](#).

It is strongly recommended and implied in Keeping Children Safe in Education that at least 1 person on any appointment has undertaken safer recruitment training.

3. Relevant Legislation

3.1 All job applicants are protected against discrimination because of sex, marital or civil partnership status, transgender status, race, disability, age, sexual orientation, religion or belief and pregnancy or maternity throughout every stage of the recruitment process. Any candidate who is treated in a discriminatory way at a selection interview, or who is rejected for employment because of, for example, gender or race, may bring a complaint of discrimination to an employment tribunal, provided that the claim is lodged within three months of the date of the alleged discriminatory act.

It is important that throughout every stage of the recruitment process that the school ensures they are mindful of the relevant legislation;

- Equality Act 2010 (see Appendix 2, point 1)
- Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353) (see Appendix 2, point 1)
- Data Protection Act 2018 (see Appendix 2, point 2)
- General Data Protection Regulation (2016/679 EU) (see Appendix 2, point 3)
- Immigration, Asylum and Nationality Act 2006 (see Appendix 2, point 4)

3.2 **Training** - Discrimination claims can arise at any point during the recruitment and selection process from the wording of an advert to the formal interview process, so it is crucial that Head Teachers and Governors are trained and are confident that no discrimination, direct or indirect, takes place at any stage of the process.

This policy has been broken down into the key stages of the process for ease of reference.

4. Identifying a Vacancy

4.1 A staff vacancy can occur for a number of reasons e.g. staff resignation, school re-organisation, identification of a specific project. The most common occurrence will be staff resignation.

4.2 On receipt of a staff resignation, the Head Teacher/Governing Body should consider whether there is a need to replace the post in exactly the same way as the previous appointment or whether the creation of the vacant post provides an opportunity to review the school staffing structure and how tasks and responsibilities are allocated.

4.3 Consideration should be given to the following:

- Does the school need to replace the post?
- Can the school afford to replace the post and if so what are the required contracted hours to meet the operational needs of the school?

- What type of contract does the school wish to offer – permanent, fixed term or flexible?
- Has the nature of the role changed since the previous post-holder was appointed?
- Does the Job Description need updating in line with the required changes of the post?

4.4 If schools are appointing to provide tuition/coaching as part of enrichment activities, consideration needs to be given to the employment status of the individual.

5. **Advertising a Vacancy**

5.1 **Head Teacher/ Deputy Head Teacher Vacancies**

5.1.1 It is a legal requirement that all schools must have a Head Teacher, however, there is no legal requirement for schools to either have a Deputy Head Teacher or to be limited to just one.

5.1.2 When advertising, the Governing Body should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive. At the very least it should be advertised in a printed publication circulating throughout England & Wales (The Times Educational Supplement (TES), is most widely used).

5.1.3 The Governing Body may decide to appoint to the vacant post on an “Acting” basis while it considers the longer-term leadership requirements of the school. In these circumstances there is no legal requirement to advertise externally, however, any internal appointment should only be made following a fair and transparent selection process where all staff are given equal opportunity to apply (provided they meet the essential criteria for the post). Governors should consider assessing potential candidate suitability alongside the National Standards of Excellence for Headteachers (2015) ([Headteacher Standards 2015](#)).

5.1.4 Any acting arrangement should be kept under regular review by the Governing Body and they should be able to demonstrate that all reasonable measures are being taken to appoint to the post on a permanent basis as quickly as is possible.

5.2 **Teaching and Support Staff Vacancies**

5.2.1 There is no legal requirement to advertise a teaching or support staff vacancy externally. Given the associated costs with external advertising, the Head Teacher/Governing Body should consider succession planning and whether there is the potential to appoint to the vacant post from within the existing staffing structure.

5.2.2 In any event, Head Teachers are advised to ensure all vacancies are advertised on the staff noticeboard as a minimum, to enable all staff equality of opportunity to apply and reduce or remove the potential for a claim of unfair treatment or discrimination.

5.2.3 For teaching posts, schools and academies may want to take into account the timing of when they advertise any vacancies to reflect teacher’s statutory resignation dates which are; 31 May, 31 October and 28/29 February. The contract notice periods for teachers are 3 months in the summer term, and 2 months for the autumn and spring term but for headteachers, the resignation dates are 30 April, 30 September, 30 January with an additional 1 month notice to that of teachers being required.

5.3 **Drafting the Advert**

5.3.1 Irrespective of the type of post being advertised, it is important the content of the advert attracts the required caliber of applicant – it is the quality of the content rather than the quantity that is important.

5.3.2 The advert should set out clearly the specific details of the vacancy and as a minimum should cover the:

- name of school;
- job title;
- salary of the post (if the post is term time only and/or part-time the pro-rated salary should be published), this should be in-line with decisions made in the school pay policy;
- number of contracted hours;
- type of contract being offered (If fixed term the reason for this should be specified – e.g. maternity cover, sickness absence);
- preferred start date;
- brief description of work and skills/qualifications required;
- closing date and how to apply;
- contact name & number for the applicant to contact should they want to find out more information.

6. **The Application Pack**

6.1 The application pack serves as the “shop window” to the school and will be the basis on which potential applicants form first impressions of the school as a prospective employer. In addition to the content of the advert, careful consideration should be given to the content of the application pack to ensure it promotes the school positively and attracts the highest calibre applicants.

6.2 A welcome letter should be included in the application pack providing relevant information about the school, aimed at attracting the applicant and further encouraging them to continue with their application.

6.3 A copy of the Job Description should be included within the application pack as this provides the applicant with an accurate illustration of the key tasks, duties and responsibilities of the post. It is important that Job Descriptions are kept up to date and reviewed regularly to ensure any changes in the roles are identified and captured.

6.4 The statutory duties for teachers, including Head Teachers and Deputy Head Teachers, are set out in the School Teachers Pay & Conditions document along with the Teacher Professional Standards as published by the Department for Education. These documents should be referred to when creating or reviewing an existing job description for teaching posts.

6.5 Academies may determine pay and grading arrangements for their support staff through local agreement with the recognised Trade Unions, although it should be remembered that collective agreements and terms and conditions for existing staff transferred when the Academy formed.

- 6.7 In order to provide Governing Bodies with an objective but flexible means of determining the grades/salaries for their establishments, a number of generic job descriptions have been assessed and graded.
- 6.8 The person specification defines the essential and desirable attributes an individual will need to possess to be able to fulfil the role. These attributes include qualifications, skills, experience and knowledge and it is this criterion that will be used in the short-listing process (see section 7.2).
- 6.9 The person specification should be derived from the job description, selecting the key tasks and duties of the role, and translating these into the abilities and skills required to do the role.
- 6.10 The application form should be included in all packs.

7. **Selection**

7.1 **Safer Recruitment Training**

It is strongly recommended and implied in Keeping Children Safe in Education that at least one person on any appointment panel has undertaken safer recruitment training. For further information on training can be found via the Somerset Local Safeguarding Children's Board [Somerset Safeguarding Children's Board](#).

7.2. **Shortlisting**

The Data Protection Act provides for applicants to have a right to see the information used in the short-listing process. Therefore, it is advised that the short-listing panel use the job description and person specification to inform the short-listing process by listing the 'essential' criteria and 'desirable' criteria for all the requirements of the job on a short-listing grid. It is advised that the short-listing panel is made up of at least 2 people.

To score applicants the panel is advised to use a points or rating system to score the candidates against the criteria on the short-listing grid. For example: 2=exceeds criteria, 1=meets criteria, 0=fails to meet criteria. Once scoring is complete any applicants that score a '0' on one or more of the 'essential' criteria would not be considered further. Remaining candidates can be ranked in priority order, highest score first. If there are still a large number of candidates, then the shortlisting panel may want to consider scoring them against the 'desirable' criteria.

On completion of the short-listing process a decision should be made on the list of candidates to invite for interview. If there is only 1 job to fill, it is advised that the number of candidates invited is limited to no more than 6. It may be that schools wish to introduce an initial phone interview to further short-list candidates prior to inviting to interview.

7.3 **Gaps in Employment History unaccounted for**

At this stage of the recruitment process the application form should be scrutinised to check for any gaps in employment history and to ensure that the referees are the most recent employers. Where there are periods of time unaccounted for; this should be explored further at the interview stage.

7.4 **Applicants who declare they have a disability**

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Author: Head Teacher

Legislation requires reasonable adjustments or adaptations to be considered for those applicants who declare they have a disability. Therefore, it is advised that if an applicant declares they have a disability on their application form and meet the essential criteria of the person specification, they are shortlisted and invited to interview.

7.5 **Letter Template requesting reference at shortlisting stage**

In line with Keeping Children Safe in Education references will be sought on all shortlisted candidates, including internal, before interview wherever possible.

7.6 **Asking Applicants questions in relation to any sickness absence or their health either before or during the interview**

The Equality Act 2010 makes it illegal for employers to ask applicants any questions about their health or disability before a job offer is made. The safeguard for the school is that any offer of employment should make it clear that it is conditional and subject to satisfactory pre-employment clearance which includes medical clearance. In the event the school is advised that the potential employee has a medical condition for which the recommended adjustments are not reasonable, then they can withdraw their offer, however, schools are strongly advised to contact their HR Adviser prior to any decision being made. Failure to follow this advice could result in the potential for the applicant or candidate to make a discrimination claim against the school.

7.7 **Interviewing**

Prior to Interview

Invite to Interview Letter

The school will send invitation to interview letters to all short-listed candidates. The school can ask in the letter if the candidate requires any reasonable adjustments to be made so that they are able to attend and participate fully in the interview.

Interview Questions

In order to apply a consistent approach, it is advised the panel agree, in advance of the interview, a set of questions which they will ask all candidates which are based on the requirements of the post. The questions used should be competency based so they allow the candidate to provide examples of how they meet the requirements for the post. The panel may ask supplementary questions to enable them to explore further the candidate's application and references (if available).

The interview panel should be clear that it is their responsibility to ensure each applicant has the equal opportunity to highlight their suitability for the role, however, this does not mean they need to stick rigidly to a set group of questions and exploring and probing an individual's competencies is one of the best ways to do this.

Selection Tests

In addition to a panel interview, depending on the type of role being recruited, selection tests can be used as part of the selection process e.g. professionally designed selection tests can provide an objective and relatively accurate way of assessing key skills which are

difficult to measure in an interview. There are a variety of different techniques available to enable assessment of a wide range of skills and aptitudes at all levels.

Examples include:

- Group Selection Exercises.
- Involvement of Pupils.
- Oral Presentation Skills.
- In-Tray Exercises.
- Written Exercises.
- Verbal reasoning*.
- Checking skills.
- Numerical computation.
- Clarification.
- Personality and behaviour assessment*.

* It is advised that some of these techniques should only be used when it is essential to determine that a candidate has specific abilities, aptitudes or behaviour and should only be used and interpreted by qualified and experienced assessors.

Interview Panel

It is advised interview panels comprise of a minimum of two panel members – this allows one person to observe and assess the candidate, and make notes, while the candidate responds to the question posed by the other panel member/s. It also reduces the possibility of any dispute about what was said or asked during the interview.

For some posts it can also be useful for other members of staff and governors to meet the candidates and pupil involvement is recommended. This will ensure that the candidates are able to obtain a full view of the working environment and philosophy of the school while at the same time enables an assessment to be made of how candidates interact with various stakeholders. Only people involved in the selection process should be included in the final decision-making process.

The requirement for employees in schools to speak fluent English

Following amendments to the Immigration Act 2016, there is a statutory duty for all public authorities to ensure that people who work in customer-facing roles speak fluent English (English or Welsh in Wales). Members of the public will have the right to make a complaint if they feel a public sector worker has an insufficient proficiency in spoken English
[Code of Practice on the English language requirement for public sector workers.](#)

This will apply to all staff including permanent and fixed term employees, apprentices, self-employed contractors and agency temps. It does not extend to workers employed by private or third sector provider of a public service at the moment, but it could be extended in the future. It applies to an employee who, as a regular and intrinsic part of their role, are required to speak to members of the public in English either face-to-face or by telephone, are considered as working in a customer-facing role. Members of the public include adults, children and young people.

Employees must have a command of spoken English which is sufficient to enable the effective performance of their role. The standard of fluency must be proportionate to the role in question.

Job descriptions and job advertisements

The school will endeavour to make it clear in any job adverts and job descriptions that the necessary standard of spoken English is required for every role identified as customer-facing under this duty. This would involve including the following wording: *“This post is covered by Part 7 of the Immigration Act (2016) and therefore the ability to speak fluent spoken English is an essential requirement for the role”*.

English Fluency Assessment

Fluency relates to language proficiency and ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer-facing role an employee should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They can listen to their customer and understand their needs. They can tailor their approach to each conversation appropriate to their customer responding clearly with fine shades of meaning, even in complex situations

Where fluency is identified as an essential requirement for the role, then the Head Teacher/Manager is advised to ensure there is an assessment process for this, examples of which could be:

- proof of possessing a relevant Regulated Qualification Framework at level 2 or above taught in English by a recognised institution abroad or attained as part of an education in the UK;
- proof of passing an English spoken language competency test.

However, as qualifications or tests are not proof of spoken language ability then it is recommended that the ability to speak fluent English is always assessed at interview. At interview they should be able to competently answer interview questions in English.

Note taking

It is advised that notes are taken in relation to the candidates' responses/ answers to questions and marked afterwards using the interview assessment form and Interview Summary Scoring form.

Identity Checks

Proof of identity of a candidate and their eligibility to work in the UK **must** be checked thoroughly to ensure they are who they claim to be at interview. The invite letter should ask them to bring the relevant documentation to interview. If for any reason this is not possible, the school should ensure that the successful candidate provides this before their appointment and start date is confirmed.

The following checks should be carried out:

- The documents are genuine, original and unchanged and belong to the person who has given them to you.
- The dates for the worker's right to work in the UK haven't expired.
- Photos are the same across all documents and look like the applicant.
- Dates of birth are the same across all documents.

- The person has permission to do the type of work you're offering (including any limit on the number of hours they can work).
- For students, you see evidence of their study and vacation times.
- If 2 documents give different names, the person has supporting documents showing why they're different, e.g. marriage certificate or divorce decree.

Educational & Professional Qualifications

Candidates should be asked to bring to their interview either originals or certified copies or a letter of confirmation from the awarding body confirming any educational and professional qualifications that are necessary or relevant for the post. If for any reason this is not possible, the school should ensure that the successful candidate provides this before their appointment and start date is confirmed.

DBS Disclosure

Standard: a check of the police national computer records of spent and unspent convictions, cautions, reprimands and warnings.

Enhanced: the same information as the standard check plus any additional information held by the police that a chief police officer believes should be disclosed.

Enhanced criminal record check with children's and/or adults' barred list

information: the same information as the enhanced check, plus checks of whether someone is included on the national DBS 'barred lists' of individuals unsuitable for working with children or adults.

A check for barred list information can only be carried out on individuals who are in regulated activity. Therefore, in a school this will be for the majority of appointments. An enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity (i.e. teachers, support staff, administrative staff and unsupervised volunteers).

All candidates should be asked to bring with them documentary evidence of their identity to satisfy DBS requirements, i.e. either a current driving licence or passport including a photograph, or a full birth certificate, plus documents such as a utility bill or financial statement that shows the candidate's current name and address, and where appropriate change of name documentation. More information can be obtained from the Disclosure and Barring Service Website - <http://carecheck.co.uk/>.

e-DBS

The successful candidate will be required to complete a DBS application. The clearance process for this is done via an on-line system which provides:

- an electronic application form and identity verification, eliminating the need to complete a lengthy paper-based form;
- an in-built validation that flags any errors prior to the form being submitted;
- an average turnaround for a clearance of 1 week.

Existing staff

Paragraph 119 of Keeping Children Safe in Education advises that schools should carry out “all relevant checks” for existing staff where:

- there are concerns about a staff member's suitability to work with children;
- a person moves from a post that was not regulated activity into work that is regulated activity.

Apart from these circumstances, schools are not required to request DBS or barred list checks for existing staff.

Appointees from another school or college

Paragraph 105 of Keeping Children Safe in Education advises that there is no requirement to obtain an enhanced DBS certificate for appointees who, in the previous three months, have worked in:

- a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or
- a further education setting in England in a post which involved the provision of education, and which brought the person regularly into contact with children or young people.

However, all other pre-employment checks must still be completed for appointees from another school. This includes **a separate barred list check** for those in regulated activity, which can be obtained via the DBS.

Starting regulated activity (employment) before the DBS check is complete.

Paragraph 94 of Keeping Children Safe in Education advises that a member of staff can work in regulated activity, as set out above, before his/her DBS certificate has come through, provided that he/she is supervised and has also undergone other required checks, including a separate barred list check. A “clearance risk assessment” must be completed prior to the individual starting work confirming the outcome of the required checks are pending and a template assessment can be found within Section 4e.

Nominated Verifier

Each school should have a nominated verifier who is responsible for registering applicants onto the e-DBS system, confirming their identity and monitoring the progress of applications. At Kingsmead this is undertaken by the Finance and Personnel Manager.

Prohibition Checks

Paragraph 103 of Keeping Children Safe in Education advises that a Prohibition from teaching check should be carried out on both teachers and support staff as this will reveal whether there are any restrictions. However, this is related to the teaching profession only. Whereas a DBS barred list will include anyone barred from any profession involving children and vulnerable adults.

Teacher Services allows schools to check the status of teachers they employ or are considering employing. Schools can search for a teacher's record in Teacher Services using the individual's teacher reference number (TRN) and date of birth.

The check will allow the school to:

- identify teachers with an active prohibition, sanction or restriction, including teacher prohibition orders;
- see details of any decision by the Secretary of State not to impose a prohibition order following a determination by a professional conduct panel of unacceptable professional conduct, conduct that may bring the teaching profession into disrepute, or conviction of a relevant offence.

8. **Successful Candidate – Post Interview and Job Offer**

8.1 **Starting Salaries for Internal/External Appointments**

Teachers

There is no automatic portability of pay assumed when determining salary for newly appointed teachers. However, when determining the remuneration of a teacher, the Head Teacher and/or Governing Body must consider its own pay policy and the teacher's particular post within its staffing structure.

Support Staff

Kingsmead school follows the Local Authority salary policy which is negotiated nationally with the relevant unions.

Internally Appointed Candidates (Grade 17 – 9)

In normal circumstances the candidate is appointed to the minimum point on the scale. If there are special circumstances where a Head Teacher considers that an increase in excess of the minimum is merited then this decision will be made on an individual basis. Reference should always be made to the schools pay policy.

Externally Appointed Candidates (Grade 17 – 9)

In normal circumstances the starting salary of an externally appointed candidate is made at the minimum point on the scale. However, Head Teachers do have the discretion to pay at a point within this scale if the candidate is already paid on a higher salary or where their experience is beneficial to the school

Internally and Externally Appointed Candidates (Grade 4 – 8)

For Grades 5 – 8 spot salary applies.

Transferred Staff from another Local Authority

If a candidate is appointed to a post who has transferred from another Local Authority employer to a post on the same grade, it is advised that they are transferred at their current salary point.

Grade 17 Appointments Non-Apprentices

With effect from 1 October 2015 all Grade 17 posts will be advertised with a starting salary at Point 6. All employees, irrespective of their age, will be paid according to the evaluated grade of the post.

Apprentices

With effect from 1st January 2013 the Local Authority determined that employees appointed as Apprentices will be paid the National Minimum Wage (NMW) for their age not the NMW rate for Apprentices. Should trainees successfully attain a substantive post, their salary would then reflect the grade for the post.

Kingsmead Schools will abide by the National Minimum Wage (NMW) rate for Apprentices. The school may decide to pay the NMW for the candidates age not the NMW rate for Apprentices depending on circumstances. Should trainees successfully attain a substantive post, their salary would then reflect the grade for the post.

8.3 **Full References**

References are sought to aid the selection process and validate information given by the prospective employee. In addition, they can aid the assessment of a potential employee's character, honesty and reliability. They are particularly important in roles that involve 'regulated activities' with children or vulnerable adults as defined by the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, or roles that are subject to National Minimum Standards or Quality Standards.

When the successful candidate has been offered and accepted the post the school should then request full references, where not previously obtained. The successful candidate should be informed that their appointment will not be confirmed, and a start date given until the school has received and verified all references and pre-employment checks.

Roles subject to DBS

- Two written references are required for all roles subject to DBS clearance. Verbal references cannot be accepted.
- Specific questions about the employees' suitability to work with children or vulnerable adults should be asked.
- The reason why the previous employment ended must be asked.
- A full employment history and written explanation of any gaps in employment is required.

Roles not requiring a DBS

- One reference must be obtained from the current/most recent employer.
- If a second reference can't be obtained, the successful candidate should be asked to provide an alternative referee.,
- Verbal references can be accepted. However, the questions from the reference template must be followed and the responses recorded
- If no second reference is available, the Head Teacher/Manager should establish the status of other pre-employment checks carried out on the individual and is advised to obtain further advice from their HR advisor before making an offer of employment.

Referees

Referees can be asked to return a reference via email for speed; however, the email address should be verified first to ensure it is a work email address. The Head Teacher/Manager may also request that a hard copy is sent with company stamp/compliment slip for authenticity.

At least 1 reference must be received from the current or most recent employer and should be written by the current or previous manager, supervisor or someone more senior than the successful candidate.

If the successful candidate does not have a current or previous employer a reference may be accepted from a previous educational establishment, a Job Centre contact or a personal contact who works as or has retired from a recognised profession or a 'person of good standing in the community' (see [Examples of recognised professionals or a person of good standing in their community](#)). In this case the reference does not need to be from a work email or with a company compliment slip, stamp or business card.

If the successful candidate was previously self-employed a reference may be accepted from a previous client or their accountant.

In normal circumstances, pre-written references or 'to whom it may concern' references will not be accepted without verification. However, an exception to this may be made if a previous employer has wound down or ceased to exist and has issued a pre-written reference to the employee at the end of the employment.

References received should be retained on the employees' centrally held file.

8.4 Offer Letter

The offer letter should contain the following information:

- Title of Post.
- Salary grade.
- Full-time or, if part-time, the number of hours per week.
- Permanent or fixed term.
- Start date and, if fixed term, the termination date and reason for the fixed term nature of the post.
- Confirmation that a full Statement of Particulars will be issued by payroll provider in due course.
- A reminder, where appropriate, that the appointment is subject to satisfactory clearance by the disclosure procedure, medical clearance, confirmation of qualifications and satisfactory completion of a probationary period (applicable for non-teaching posts only).

8.5 Medical Clearance

Short Pre-employment Health Questionnaire

The successful candidate should be asked to complete a short pre-employment medical questionnaire.

Candidates for crossing patrol and driver posts must undergo a more in-depth health assessment and should be referred to occupational health for pre-employment screening.

Full Pre-Employment Health

If the prospective employee has said “yes” to any of the questions on the short pre-employment medical questionnaire, then they are not medically cleared to start in post and **must** be subject to a Full Pre-Employment Health Questionnaire. To obtain this the school should refer them to occupational health.

9. **Unsuccessful Candidates**

9.1 **Feedback**

The unsuccessful candidates should be informed verbally that they have been unsuccessful and offered confidential feedback on their interview. If there was another candidate who matched the requirements of the person specification, consider whether to delay informing him/her that they were unsuccessful until the successful candidate has accepted the post.

9.2 **Retention of Recruitment Paperwork**

Although there is no requirement that application forms and interview notes for unsuccessful candidates should be retained for a set period we would recommend that the school keeps these for a period of 6 months to a year. This is because the time limits in the various discrimination Acts would mean any claims should have been made within 6 months and the retained information may better enable you to defend a claim (a year may be more advisable as the time limits for bringing claims can be extended). It is important that Governors set a time period to retain records and this is adhered to.

Successful job applicant’s documents will be transferred to the personnel file in any event.

10. **Monitoring of Information**

The Equality Act 2010 states that all Schools and Pupil Referral Units with at least 150 staff have a statutory duty to publish information to demonstrate their compliance with the general equality duty on an annual basis. This information must include information relating to people who are either employees of the school or people affected by its policies and practices (e.g. pupils).

11. **Student Teachers and Volunteers**

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school or college, the school or college must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) must be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

Volunteers

Pre-employment Checks

Under no circumstances should a volunteer for whom no checks have been done be left unsupervised or allowed to work in regulated activity. These checks are an important part of safeguarding, and it is advised that these should be followed even when volunteers are already known to the school.

References

It is good practice to request a reference for any volunteer as it provides an indication of whether the person is appropriate for the role.

Regulated activity

Volunteers who will be engaged on an unsupervised basis teach or look after children regularly or provide personal care on a one-off basis in schools and colleges will be in regulated activity.

For all volunteers who are new to working in regulated activity the Head Teacher/Manager should obtain an enhanced DBS certificate (which should include barred list information).

Where an existing worker's disclosure re-check reveals a previously unknown criminal background or any cause for concern the manager must seek advice from their HR Advisory Service.

Non-Regulated Activity

For volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers, then the Head Teacher/Manager may want to obtain an enhanced DBS certificate that does not include barred list information (as they are not legally permitted to request barred list information on a volunteer who, because they are supervised, are not in a regulated activity).

DBS Check

The school, college or academy should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity.

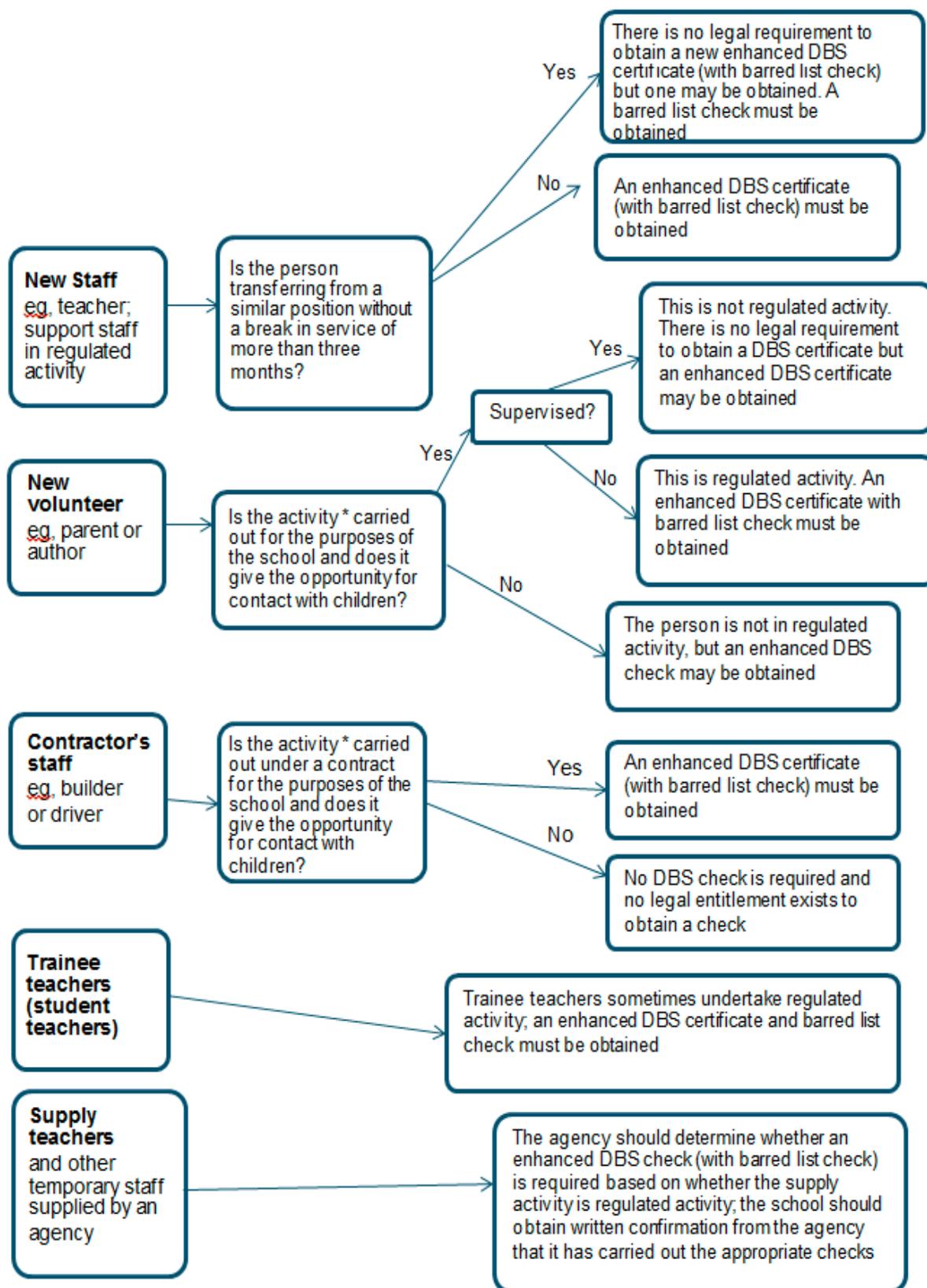
In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

It is an offence to fail to make a referral without good reason.

Also refer to keeping children safe in education: statutory guidance for schools and Flowchart of Disclosure and Barring Service criminal record checks and barred list Checks (Appendix 1 below).

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

Relevant Legislation Quotes**1. Equality Act 2010 & Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353).**

Employers are prohibited under s.60 of the Equality Act 2010 from asking candidates questions about their health before including them in a shortlist or offering them a job, except in specified circumstances. While asking about an applicant's health will not in itself amount to disability discrimination, if an employer relies on information that a candidate reveals in an answer to a question about health, this could be evidence of disability discrimination. The circumstances in which an employer is entitled to ask questions on health include:

- to establish whether or not an applicant will be able to complete one of the stages of the recruitment process, for example an interview;
- to establish whether or not the employer will need to make reasonable adjustments for an applicant to complete one of the stages of the recruitment process;
- to establish whether or not an applicant will be able to carry out a duty that is intrinsic to the role for which they are applying, having taken into account the employer's duty to make reasonable adjustments;
- to establish the diversity of applicants, for example in an equal opportunities monitoring form; in connection with positive action under s.158 of the Equality Act 2010; and to establish whether or not an applicant has a disability, where having the disability is an occupational requirement.

The Equality and Human Rights Commission has the power to enforce a breach of the prohibition on asking questions about an applicant's health.

Section 158 of the Equality Act 2010 permits employers to take positive action in respect of people who share the same protected characteristic and experience disadvantage, have different needs or have disproportionately low participation in the form of proportionate measures to overcome a perceived disadvantage, meet specific needs based on a protected characteristic or encourage participation.

Section 159 of the Equality Act 2010 permits employers in specific circumstances to recruit or promote a person with one protected characteristic in preference to another person who does not have the protected characteristic. For example, an employer could appoint a female candidate to a senior role over a male candidate where there are few women in senior roles in the organisation and both candidates are of equal merit.

Section 13(3) of the Equality Act 2010 allows employers to treat a disabled person more favourably in comparison to a non-disabled person. This means that an employer can, for example, take positive action by lawfully limiting recruitment, training and promotion opportunities to disabled people, without this amounting to unlawful direct discrimination against a non-disabled person.

The general public sector equality duty requires public authorities and bodies exercising public functions to have due regard to the need to: eliminate discrimination, harassment,

victimisation and other conduct prohibited under the Equality Act 2010; advance equality of opportunity; and foster good relations. The duty applies to all of the protected characteristics, except marriage and civil partnership, which is only covered by the first part of the duty, ie the need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act.

They also have specific duties that support the general duty. Public authorities with 150 employees or more must publish information to show their compliance with the general public sector equality duty, in particular in relation to their employees and any person affected by their policies or practices.

2. **Data Protection Act 2018**

The Data Protection Act 2018 (s.177 and sch.17) states that employers are prohibited from requiring job candidates, existing employees or people offering their services in a self-employed capacity, to use their subject access rights under the Bill to provide "relevant records" (e.g. health records or details of convictions and cautions) as a condition of employment or engagement. The prohibition does not apply where the requirement to provide the record is necessary by law or is in the public interest.

3. **General Data Protection Regulation (2016/679 EU)**

The General Data Protection Regulation (GDPR) which came into force from 25 May 2018, individuals have the right to request access to any personal data that is being processed. Thus, an individual who has applied for a job, whether successfully or unsuccessfully, may submit a request to the employer in respect of access to any file containing data about them, for example interview notes. Under the GDPR, the time limit for responding to a valid subject access request is one month from the date of receipt. However, if a request is complex, the employer can extend the time period for response by a further two months.

4. **Immigration, Asylum and Nationality Act 2006**

Immigration, Asylum and Nationality Act 2006 - the responsibility lies with the employer to make sure, before it employs a person, that they have the right to work in the UK. To verify an individual's right to work in the UK, employers are required to see and keep a copy of original specified documents set out in [List A](#) or [List B](#). Alternatively, the employer may be able to use the Home Office online [right to work checking service](#) to confirm the person's right to do the work in question (see [Employing people from abroad policy](#)).